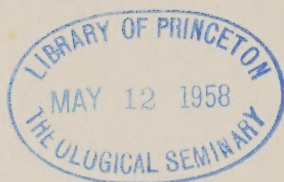


# The Freedom to Read

**Perspective and Program**

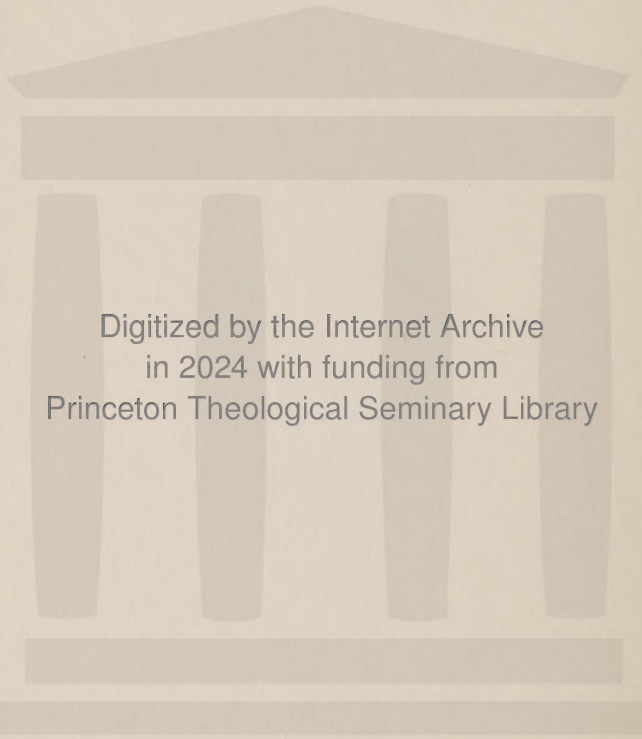




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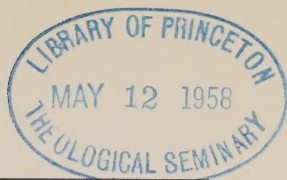






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# **The Freedom to Read**

## **Perspective and Program**

BY

Richard ✓ McKeon  
Robert K. Merton  
Walter Gellhorn

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The National Book Committee

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## Preface

THE FIRST stated purpose of the National Book Committee is "to keep books free." The Committee believes that it is "clearly within the public interest . . . to nourish the freedom to read." There is a fundamental American purpose to be served here:

The vitality of our democracy [our Statement of Purpose continues] depends upon variety in its communications as in other things; books are "the natural medium for the new idea and the untried voice from which rose the original contributions to social growth."\* The National Book Committee therefore seeks to foster the conditions in which diverse ideas and manners of expression can find both publication and readers.

As the first step in its pursuit of this objective, the Committee decided in the spring of 1955 to conduct a preliminary inquiry into the theory of censorship and the freedom to read. There was then, as there is now, much public agitation over the problem: various kinds of censorship were being proposed, and practiced, on various kinds of communications. Public officials and private groups sought to limit the freedom to read on various grounds, primarily political and moral. Battle-lines were formed between those who feared the effect, especially upon the young, of what they deemed to be subversive or immoral books, and those whose fear was rather of the damage to

\*"The Freedom to Read," statement adopted in 1953 by the American Library Association, the American Book Publishers Council, Inc., and others.

society itself resulting from the limitation of freedom inherent in such restrictions.

In these circumstances, we thought it would be helpful to clarify the issues by making an intellectual investigation of the limits, if any, of freedom of expression. The Fund for the Republic made a grant to the National Book Committee for this purpose, which enabled us to establish an exploratory commission of three distinguished scholars to conduct the study: Richard McKeon, professor of philosophy at the University of Chicago, Robert K. Merton, professor of sociology at Columbia University, and Walter Gellhorn, professor of law at Columbia Law School.

We asked this group "to outline the problem, to explore whatever questions seem relevant from the viewpoints of philosophy, sociology, and law, and to recommend in its report such further studies as it deems likely to be profitable." We emphasized our wish that the group should "raise its own questions and formulate its own terms"; however, we suggested that the study might include:

1. An investigation into the two broad views of freedom generally held by Americans today: on the one hand, freedom as meaning complete liberalism (e.g., Holmes); on the other, freedom as involving a commitment to certain values and fixed beliefs (e.g., some church groups). Put another way: no limitation on thought or expression, as against *a priori* acceptance of certain underlying principles, which are not admitted to debate. How do these views conflict, what are the consequences for public policy of this conflict, and can it be reconciled?

2. An inquiry, on related lines, into our views on the upbringing of the young. Should freedom of exploration of the printed word be total, or should the community exercise responsibility for some control, including specifically censorship?



3. What are the major premises of the approaches to censorship in the U.S. today?—i.e., obscenity, security, youth-rearing, etc. What might be a desirable theoretical framework of discussion about these premises? What light is thrown on them by anthropology, psychology, and other disciplines giving insight into man in society?

4. What are the major forms of censorship now being practiced in the United States, and what are their differences in impact on the freedom to read? Should the availability of some kinds of printed matter to children and adolescents—because of price or method of distribution—make a difference in our attitude?

5. What is the legitimate exercise of the police power in this area?

6. The distinction between the police power and censorship—i.e., between statutory action taken after publication, and suppression or coercion aimed at preventing publication or distribution.

7. What, in the light of these considerations, would be desirable public policy in this area?

The commission held weekend meetings in New York during the fall and winter of 1955-56. It had at its disposal extensive information from the files of the National Book Committee on current and recent censorship activities in the U.S.; it also consulted with persons able to give first-hand accounts of these activities and their social consequences, including Paul F. Lazarsfeld, chairman of the Department of Sociology at Columbia University, John M. Cory, chief of the Circulation Department of the New York Public Library, Lloyd W. King, executive secretary of the American Textbook Publishers Institute, and Dan Lacy, managing director of the American Book Publishers Council. Charles G. Bolte, the then executive director of the National Book Committee, served as secretary to the commission, and has edited its report for the press.

The report was accepted by the National Book Committee's Executive Committee in May, 1956, with a recommendation that it be published so as to receive the widest possible circulation and attention. Another generous grant from the Fund for the Republic now makes this possible. Various interested groups, including the National Book Committee and the Fund for the Republic, are now considering the recommendations for research and action contained in the report.

We hope that this publication will lead other groups, as well as many private citizens, to more profound reflection and more informed action on the issues here considered. The report is as timely now, we believe, as when it was undertaken. Censorship activity continues throughout the country. The need is still great for clarification of the issues, for enlightened public debate, for responsible action by concerned citizens. We believe that a reading of this report can contribute to those objectives, since it provides both perspective on the problem and a program for the furthering of freedom.

FREEDOM TO READ SUB-COMMITTEE

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Lewis Galantière

Alfred A. Knopf

Archibald MacLeish

Leo Rosten

*15 October 1956*

# **The Freedom to Read**





# Introduction

THIS STUDY is concerned primarily with the problems of censorship and with the freedom to read books. But these subjects have broad implications: the problems of censorship have their basis in wider problems of individual morality and social action, of freedom and security. The censorship of books is also part of the larger problem of the restrictions applied to other forms of communication: the development of the media of mass communication has been accompanied both by the development of new restrictions and by leveling-down influences, which might be extended to books or which might be counteracted by practices in book publishing or by the effects of reading books. The problems of censorship need to be re-examined in the larger context of present-day problems of freedom. The freedom to read books needs to be re-examined in the larger context of present-day methods of production and distribution, of enlarged potential audiences resulting from increase of literacy, of competition from the other media of mass communication, and of the impact of moral, social, political and international problems.

The term "censorship" has generally been used in two closely related senses. In its original and strict sense, censorship is the prohibition and prevention of statement, expression, and communication. "Censors" originally prepared the "census," and both terms are derived from *censere*, "to value or to tax." The censors of ancient Rome were magistrates who not only took a register of the num-

ber and property of citizens, but also exercised the office of inspectors of morals and conduct. In modern times the title has been applied to officials empowered to examine written or printed matter — manuscripts of books and plays, news dispatches, foreign newspapers or magazines, and other forms of expression and communication — and to forbid publication, circulation, or representation of anything objectionable. The mark of censorship, in this strict sense, is a negation — a book not printed, a play not produced, a blank space in a news dispatch.

“Censorship” is also used, in a large and popular sense, to include exercise of police power and agitation of private groups to ban the circulation of particular works or works of a particular kind, or to limit their accessibility, or to expunge portions of them. The mark of censorship, in this broader sense, is a privation or restriction after publication or production — the prohibition of sale or distribution by the authorities of a particular locality; the limitation of circulation in the mails or restriction from entry into the country by Post Office or Customs Officials; the withdrawal from circulation, restriction, or labelling in public libraries; the use of persuasion, pressure, or threats to induce publishers, producers, and distributors to withdraw a work; or bans voluntarily accepted by members of particular groups or churches.

Censorship, in the strict sense, is a function exercised by an official, usually on the basis of administrative regulation or legislative enactment; it is subject to legal procedures. But in the various forms which it has taken in its long history, its objectives and scope have usually been defined in vague and general terms, and the procedures by which it has operated have often been subject to serious abuses. Censorship, in the broad sense, is a function assumed by an official or by a private citizen, usually at



the instance or with the encouragement of private groups, which use extra-legal means to secure or support that action. It employs devices which range from moral suasion to social, political, or economic pressure.

Problems of censorship, in both senses, are problems of *external* control and limitation, of *negative* and prohibitive actions. They are properly treated by considering, on the one hand, the alleged need for such control; and, on the other, the dangers thought to follow from imposing it. But these problems of censorship occur in the context of larger problems of *internal* development and values in individuals and in society, of *positive* actions to promote that development and to secure those values. They are properly treated by examining the institutions of society; by inquiring whether the conditions of freedom are such as to allow men best to realize their potentialities and opportunities. The problems of advancing the freedom of individuals and of society are the other side of the problems of censorship. Freedom is the inclusive context both of the problems to which censorship is addressed and of the problems which censorship creates.

The restriction of the freedom to read by external censorship, which puts limits on what is available, has an internal counterpart in the self-censorship by which the individual limits his interest and attention. Modern psychoanalysis applies the term "censorship" to the processes which mediate between the repressed unconscious and the conscious. The individual, formed by environment and education, by normative influences and habits, exercises a like censorship and resistance in his selection and judgment of values and, further, in his attitude toward censorship. Sensitivity and response to the better is an effective protection against the more superficial attractions and grosser influences of the worse. A positive program of education for the apprecia-

tion of moral and aesthetic values would go far toward making prohibitions unnecessary; without such a program, moreover, prohibitions are of doubtful efficacy.

On the side of society, too, internal processes limit the quality and character of what is available. The creative artist and thinker may be said to give original expression to the values and meanings cultivated or implicit in a society. Artists and thinkers are deflected from higher purposes by economic temptation, and by low estimates of prevailing tastes, no less than by legal restriction or the anticipation of extra-legal pressure. The uniformities and vulgarities of "mass culture" have many causes. They are more likely to be increased than lessened by prohibition and censorship.

Four distinct sets of questions consequently suggest themselves concerning the censorship of books and the freedom to read them:

- (1) What books, and what kinds of books, are not read because they are made inaccessible or difficult of access by some form of official action? How can the judgments exercised in such actions be evaluated, and what are their consequences, both for reading and for freedom?
- (2) What books, and what kinds of books, are not read because they are made inaccessible or difficult of access by some form of extra-legal pressure or agitation? How can the assumptions and the consequences of such censorship be evaluated? What actions should be taken with respect to the problems to which the censors address themselves, as well as with respect to the problems raised by censorial agitation and pressure?
- (3) What books, and what kinds of books, are not read in spite of the fact that they are available and possess values thought to be important to the formation of the individual and the functioning of society? What are the reasons for the limitation and degradation of reading habits, if, in fact, inquiry shows the judgment that they are

limited and degraded to be well-founded? What programs of general education and adult education, of publishing and distributing books, would be adapted to improving reading?

(4) What books, and what kinds of books, are not read because social conditions and methods or costs of publication prevent their being written or printed? Can diversified particular audiences be found to take the place on a popular scale of earlier patronage by an elite?

We are convinced that problems of freedom of thought and expression urgently demand attention today. We are convinced that an inquiry concerning the freedom to read books would significantly advance understanding of the wider freedom of thought and expression upon which democratic institutions rest. Such an inquiry should focus on the censorship of books, but it would bear also on the censorship of other media of communication and on the underlying problems of freedom for which censorship seems to some a remedy and to others a cause.

Censorship of books is advocated and undertaken for the same reasons as censorship of other media of expression and communication, and pressure for censorship of books reflects current attitudes toward other forms of censorship. The reading of books, nevertheless, occupies a particular place in the modern world. Books probably do not have the function attributed to them by those censorious critics who present them as a major contributing cause to sexual immorality and juvenile delinquency. But they have been a crucial instrument of education and communication, of knowledge and culture; and they can make a similarly crucial contribution to the development of judgment and the preservation of freedom in an age of mass communication. The large number of books published, as well as of publishers and distributors, makes it relatively difficult to censor books prior to publication or to use the threat

of boycott to limit their circulation. It is economically possible for a publisher to produce editions of limited size for small and varied audiences, and to resist the leveling-down processes that operate in magazines, motion pictures, radio and television. Books, if they are widely read and if they are not artificially standardized, might serve to diversify and improve taste and understanding. The improvement of taste and understanding by the reading of books, and the example of freedom in the choice of books for publication and for reading, might indeed influence practices in other media of communication.

Book publishers do not, of course, cater to a limited circle of readers as a matter of preference. Methods of mass production have made possible an appeal to mass audiences, and the availability of mass audiences often dictates a publisher's choice of titles. Some of the books produced to satisfy widespread demands have increased pressures for censorship from without, which focuses on obscenity, vulgarity, and violence. Censorship presents an obvious threat to the freedom to read. But the freedom to read cannot be advanced only (and perhaps not even chiefly) by combatting censorship. It can be advanced ultimately only by raising the level of reading tastes, and so changing the demands they generate; and by encouraging the work of creative artists and thinkers in society.

We think it important that a program to advance the freedom to read books be undertaken. The program as we conceive it would consist of three parts.

In the first place, the problems of censorship and freedom stand in need of restatement and reformulation in the light of the historical developments of principles and practices and in the light of present-day situations and problems. A comprehensive statement of the grounds and implications of censorship would provide principles as well



as materials for public information, criteria for evaluation of the presuppositions of censorship and its effects, and grounds for the formation and promotion of public policy. Part I of this report is a summary indication of the scope and content that should be covered in such a reformulation.

In the second place, the basic assumptions of censorship, and of arguments for and against it, have seldom been examined. Yet some of them are susceptible of empirical investigation, which should replace the unsupported suppositions that now underlie many censorial investigations. Techniques of objective inquiry are available: (i) to test the assumptions commonly made concerning the effects of books and other forms of communication on states of mind, character, and action; (ii) to study the formation of reading habits and the economics of free communication; and (iii) to investigate the plurality of consequences for individuals and society of decisions to control or not to control. Part II enumerates some possible inquiries directed to these questions.

Finally, protective counter-measures need to be devised to meet threats to the freedom to read, and to correct the abuses and misapplications of censorship. Part III embodies recommendations of actions to contribute to these purposes.

What follows attempts to provide a detailed sketch of this three-sided program.



# 1. Reasons employed in defense of censorship and freedom

Arguments concerning censorship and freedom have shown a remarkable continuity from antiquity to the present, but they have been profoundly altered in scope and incidence, as in manner and effectiveness of application, by changes in political institutions, social structures, economic processes, development of media of communication, extension of education, and increase of cultural contacts. These changes of context and application are sometimes taken to indicate a weakness of arguments and to afford grounds for suspicion of reason itself. The continued use of the same arguments, however, is no less impressive than their changing applications, and indicates the need to re-examine them. Three sets of interrelated arguments are used in the discussion of censorship today: (1) basic philosophic arguments. These proceed from principles found in the nature of man and freedom; they provide the grounds and the frame for (2) political arguments. These proceed from principles found in the nature and responsibilities of state and society; they establish the political and social mechanisms for (3) moral and legal arguments. These are applied to secure specific ends.

## 1.1 *Censorship and freedom: philosophic arguments*

Censorship and freedom are not concepts which stand in simple and unambiguous opposition to each other. On the contrary, two opposed philosophic views of freedom are held today, as in the past; and by Americans, as well as by other peoples. Freedom is conceived by some to consist in the ability to do as one pleases, whether or not

one does as one ought; it is conceived by others to consist in the ability to do as one ought, whether or not one wishes to. Freedom may be defined in both views as "absence of external constraint," but external constraints are differently conceived according to different basic conceptions of man and the constraining influences that environ him.

The proponents of the second view hold that only the wise man or the good man is truly free, and therefore acts in accordance with his own nature; they argue that a man is not free when he acts under the influence of erroneous ideas or passions, since these are both results of the action of external circumstances. This view of freedom was expressed by Plato, the Stoics, St. Augustine, Spinoza, Hegel, and Bergson, among others. The proponents of the first view hold that a man is free only if he acts in the light of his own preferences and decisions; they argue that he is constrained whenever he is limited to one possible course of actions, even if the limitation is thought to be justified by someone else's decision concerning what is good or true. This view of freedom was expressed by Aristotle, Locke, Bentham, Mill, Dewey, and Maritain, among others.

Arguments for censorship have been based on both conceptions of freedom. If truth and virtue are known, whatever contributes to error and vice can be detected and should be prohibited. Plato banished poets from the perfect state of the *Republic* and from the second best state of the *Laws* because the uncontrolled practice of the poets' art might undermine the wisdom of the philosophers and the enactments of the legislators on which those constitutions were respectively established. If, conversely, virtue and right have no basis except social convention and political power, whatever is contrary to established custom or to the interests and decrees of those in power should be pro-

hibited. Hobbes, who defined liberty as the power of doing what is willed or as the absence of external impediments, left the determination of right and wrong, good and evil, mine and thine to the arbitrary decision of the sovereign.

Arguments against censorship have likewise used both conceptions of freedom. If knowledge and virtue are grounded in freedom of inquiry and communication, they will not be acquired by a parroting repetition and an untested conformity imposed by public opinion and political authority. Aristotle stated the principle of democracy as the conviction that the many are better judges than the individual expert in the arts and that they have, *a fortiori*, more virtue and prudence collectively than any individual; it follows that freedom is both the end of society and the chief means of achieving individual and common interests. If, conversely, virtue is based on knowledge of the truth, then the use of political power, even in accordance with wisdom, hinders rather than advances virtue and truth if it leads to the suppression of freedom of thought and expression. Spinoza identified freedom with wisdom and the intellectual love of God in his *Ethics*, but he argued in his *Tractatus Theologico-Politicus* that freedom of thought and expression not only may be granted without endangering piety and public peace but also may not be withheld without endangering them.

Positions for or against censorship do not follow deductively from opposed philosophic views of freedom. People may share the same conception of freedom and yet may differ concerning the advisability of censoring expression or impeding communication. The discussion of censorship, however, does not occur in a vacuum of theoretic abstraction. It arises and runs its course in a

context of political communities and institutions, and of moral consequences and assumptions. The contemporary political and moral contexts of the discussion of censorship in the United States, however, have the curious effect of making attitudes toward censorship appear to be simple logical consequences of fundamentally different ideas of freedom. Arguments for censorship in the American community today are for the most part based on the conception of freedom as doing as one ought; arguments against censorship, conversely, are for the most part based on the conception of freedom as doing as one pleases. Fundamental attitudes toward censorship are in these circumstances determined by choice between the two conceptions of freedom: censorship is proposed as a means by which to prevent the degradation of the individual virtues, the cultural values, and the common security of democracy; censorship is opposed as a danger to the freedom on which democratic values, security, and action are based.

If truth and virtue are known and valued, the general argument *for* censorship runs, whatever contravenes or endangers them should be controlled. The expressed purpose of censorship is to protect the individual and the community—the individual from the formative influences which might lead him into immorality or error and inspire actions harmful to himself and to others; the community from corruptive influences that might undermine its security, lessen respect for its institutions and confidence in its government, or pervert its values and traditions. The general proposition underlying censorship is some form of the conviction that those who are competent to recognize dangerous evil and error should have the responsibility and power to prevent or curtail their operation in the com-



munity, at least on the young, the inexperienced, or the uneducated.

If knowledge and virtue are grounded and grow in freedom, the general argument *against* censorship runs, the contents of knowledge, the precepts of virtue, the canons of taste, and the judgments of prudence cannot be set down authoritatively in advance. They are tested in free competition, and the individual is formed by the active exercise of freedom. Passive acceptance and conformity lead to the degradation of values and the enslavement of man. Freedom is an end pursued by men, but it is also the means by which individual men are formed to virtue and self-realization, and by which the common good is secured. The general proposition inspiring the long history of man's struggle for the acquisition of freedom of choice and decision is some form of the conviction that each man, in fact and by right, judges his own interests; and that he can learn to judge and choose well—and therefore to act wisely for himself and in association with others—only if he is free.

In this statement, the opposition is irreconcilable. Opponents of censorship recognize the real and grave danger of intrusting to "the competent" the authority to determine what may be said and what must be avoided as dangerous to morality, security, and the common good. It is too easy to make the transition, without noticing the alteration, from the assumption that power should be given to those who are competent to judge what is better, to the assumption that those who have the power *are* competent, and that the better is what they say it is. The deductive inference that leads from freedom, in the sense of doing as one should, to censorship has other consequences: it can lead to the authoritarian state and to a unique prescriptive morality.

Proponents of censorship, on the other hand, recognize real and grave dangers of subversion by conspiracy under the cloak of freedom, of immorality by license masked as liberty, and of greed operating as free enterprise. The deductive inference that leads from freedom, in the sense of doing as one pleases, to opposing all controls has other consequences: it can lead to the removal of protections both against the imposition of authoritarian controls and against the emergence of a relativistic permissive morality which may be indistinguishable from immorality.

When carried to these extremes, both these deductive inferences are fallacious, in spite of their widespread currency today; and the opposition which they generate is dangerous. The danger of the opposition, moreover, goes beyond the practical dangers enumerated in the two lines of argument, which are not without grounds in fact and possibility; for the irreconcilable lines that are drawn endanger the continuation of discussion and the use of reason in the solution or mitigation of genuine problems. It is therefore important to reformulate the arguments, not merely to throw light on the operation of censorship and its consequences, but also to restate the problems which lead to advocacy of censorship and opposition to it. They are problems which require insight into the relation of basic principles, like the conception of freedom, to democratic government and moral conduct. That reformulation, and the possibility of reconciling differences concerning censorship, requires the distinction of three phases or stages of argument: philosophical; political and social; and legal and moral. Such a reformulation would treat problems of reconciling differences of fundamental principles; problems of preserving political and social frameworks for the discussion of common courses of action which may be agreed

on for different reasons; and, finally, problems of estimating the consequences of proposed actions.

We have tried to show, by analyzing the philosophical arguments for censorship and freedom, that positions concerning censorship are not determined uniquely by conceptions of freedom. We are convinced that the reasons against censorship derived from both conceptions of freedom are sound. The arguments for censorship, on the contrary, endanger both varieties of freedom. Censorship of the Hobbesian variety, based on the concept of freedom to do as you please, places censorship in the hands of those who happen to be in power; it extends their power to the determination of what is right and wrong, just and unjust, good and bad. Censorship of the Platonic variety, based on the concept of freedom to do as one should, places censorship in the hands of the wise and the good, if they happen also to have secured power. But since the possession of power is in either case essential, there is no practical way to distinguish the considered judgment of officials who are wise and good from the arbitrary judgment of officials who are unwise and bad. Power tends to corrupt, in censorship as in other modes of its exercise.

We are convinced that the reasons against censorship as a danger to both varieties of freedom are cogent. They will not prevail, however, either immediately or as a result of the cogency of abstract argument. They depend, not only on reason, but on the preservation of a political and social framework in which such arguments can be developed and such issues joined. The preservation of democratic institutions depends on reasonable communication among men who do not necessarily hold identical philosophic, religious, or political convictions.

The arguments on which those institutions are based are

therefore distinct from the philosophic arguments which contribute to their life and development: we treat these political and social arguments in the next section.

Within that context, arguments for censorship emphasize consequences or ends, rather than principles or assumptions; the opposition is practical rather than theoretic. These moral and legal arguments—which of course depend on philosophic principles and political circumstances—we treat in the third section.

These two later stages of our argument reflect, not an abandonment of principles, but a recognition of the difference between the use of philosophic arguments to establish the principles of politics and morals, and the use of political arguments to provide a framework for the discussion of philosophic principles and of moral arguments to guide their application.

We shall consider further, by analysing political and social arguments, the different forms censorship takes in authoritarian and democratic governments. Democracies as well as despotisms have practiced censorship, usually during periods of tension caused by the threat of despotism. Although the extension of censorship has sometimes been a prelude to the establishment of authoritarian government, the operation of censorship in a democracy is different from its operation in a despotism. In an authoritarian state it tends to be censorship in the strict or preventive sense; in a democracy it tends to be censorship in the broad sense of restricting distribution, by use of the police power and by the activity of private groups.

The reason for this difference is that democratic societies preserve the right to differ in basic philosophic convictions and in the moral judgments that follow from those convictions. Freedom, conceived as acting as one should, is de-



veloped in moralities inculcated by precept and imperative. Freedom, conceived as acting as one pleases, is developed in moralities of achievement and advancement in knowledge and values. The two moralities are fundamentally opposed and there is little prospect of reconciling the basic moral issue in which advocacy of censorship and opposition to censorship originate: if men can distinguish, as they can, between good and evil, they should recognize the danger to the community of plausible promulgation of error and attractive portrayal of evil; if men confuse, as they do, the use of power for private advantage with the application of wisdom for common good, they should recognize the danger to the community of authoritative restrictions on freedom of expression.

It is, however, neither necessary nor desirable to eliminate the opposition of a morality of tradition and a morality of progress. Both have contributed to moral insight and action at least as long as there has been a tradition in process of change. They were part of the development of American democracy even before they were given classical expression in the opposition of Adams and Jefferson, and they underlie, in some aspects though not in all, the opposition between "conservatism" and "liberalism" as it is in process of restatement at present.

The fruitfulness of this opposition depends, however, on considering the consequences of the two positions, instead of denouncing and extirpating the opposed position. The agreement between the two positions concerning consequences in common action has been written into the Constitution and into fundamental law. Proponents of each position claim, with some justice, the operation of American democratic institutions as consequences of their principles. The two positions have served as mutual correctives,



without being reconciled, in the development of those institutions. Yet they need to be reconciled in a secondary sense today, for discussion of consequences has degenerated into controversy concerning principles as a result of the failure to examine anew the implications of freedom, democracy, and morality.

A democracy is a framework within which men may preserve their fundamental differences of religion and philosophy and still come to agreement, based on different reasons, concerning their common actions and their common life. Men's actions are governed by their attitudes toward freedom and right, which operate as reasons do even when they are not formulated abstractly or acknowledged consciously. Respect for these fundamentally different conceptions is the basis for the possibility of coming to agreement on the consequences which are sought in the institutions of common action; there is then no need to put in question the different beliefs and values which can be both realized and protected by those institutions and by those actions.

The second stage of our argument is therefore consistent with the first: we have argued on philosophic grounds that censorship is unsound, impractical, and undesirable; on political grounds, recognizing that censorship in the broad sense has been and is being practiced, we shall consider how its operation can be kept strictly in conformity with law and with the preservation of rights, in order that it shall not impede directly or indirectly the freedom of expression by which, among other consequences, the dangers of censorship may become more generally recognized.

Finally, by analyzing moral and legal arguments, we shall examine why censorship is not effective in securing the results for which it is said to be a necessary means.

These are arguments within the political framework of the Constitution, in which it has become traditional to separate statement and expression from action. In conformity with this tradition, arguments for censorship center on the consequences of books rather than on their contents. We shall argue that the prohibition of books, far from contributing to the lessening of dangers to security, morality, and the common good, contributes to those dangers.

We have treated the principles which underlie discussions of censorship in the first stage of our consideration of reasons; it remains to treat the framework of the discussion and the discussion itself. It has seemed to us important to recognize that we can differ concerning principles and yet agree in preserving institutions which not only tolerate but thrive on those differences, and come to agreement about consequences and common courses of action without compromising principles and beliefs. If these three stages of the argument are not distinguished, one might easily be led, as current arguments seem often to lead, from differences concerning policy to advocacy of institutional changes, which would limit the right to disagree and would penalize divergence from one's own views as subversive and immoral.

## 1.2 *Censorship and the State: political and social arguments*

The failure to distinguish between basic philosophic arguments and the political and social arguments to which they provide principles has two effects. On the one hand, it reduces "freedom" and "democracy" to the definitions provided for them in a preferred philosophy. On the other hand, it arouses doubts concerning the value of discussion and analysis if they have effect only as translated into po-

litical power or social pressure. Dogmatism and skepticism—philosophies transformed into party-lines or into anti-intellectual distaste for reasoning—mark the breakdown of understanding and communication. The spate of articles and books during the last few decades which trace the authoritarian or “closed” society back to Plato and Hegel in a continually lengthening list of philosophers held to be progenitors of totalitarianism, and the no less voluminous literature which explains philosophies by the interests, economic class, or ideology of their adherents, are alternative ways of explaining arguments away instead of considering them. These refutations by indirection usually claim the support of science, “properly interpreted,” and purport to be reasoned defenses of “values,” new or old, without abandoning the fundamental distrust they express of reason as a means of judging the worth of arguments. The deduction of forms of society and polity from opposed philosophies, and the interpretation of opposed philosophies by social and political conditions, are more intelligible as consequences and instruments than as explanations of contemporary political oppositions. The opposition between authoritarianism and democracy does have a philosophical foundation: but if it is stated only in terms of principles and values, without taking into account the political institutions in which they are embodied, discussion of the difference ends in equivocation.

All the fundamental terms of political discussion—“democracy,” “law,” “freedom,” and “censorship” among others—are involved in equivocations, which disappear when the arguments are restated in terms of the concrete meanings they take on in the institutions by which they operate. The arguments for and against democracy and totalitarianism, or for and against the rule of law and the

rule of men, have altered more in application than in form during their long history. Ancient democracies were not fully democratic either in the sense of extending to all men or of taking into account all the rights which are at issue in modern democracies. Modern authoritarianisms make professions of responsibility to the governed, as a consequence of developments of communication and technology, that were denied by earlier despots. The opposition has been moved to the adjectives—if all states claim to be “democracies,” the controversies concerning democracy turn on the institutions of “parliamentary” and “people’s” democracy; and if the end of democracy is “freedom,” the controversies concerning freedom turn on the relative importance of “economic” and “social” rights as opposed to “civil” and “political” rights, and on the means of securing them. The discussion of the freedom of the press in the committees and Specialized Agencies of the United Nations illustrates this ambiguity of terms and opposition of institutions: no one is opposed to the “freedom of the press,” but the representatives of some nations see it endangered only or primarily by governmental controls and political propaganda, while the representatives of other nations see it endangered only or primarily by economic controls and social pressures.

Contemporary problems of censorship arise partly under the influence of international political tensions. They reflect external dangers and the internal confusion and insecurity resulting from those dangers. The statement of the problems of censorship is involved in differences of fundamental conceptions of freedom, morality, and democracy, but those fundamental conceptions cannot be given unambiguous meanings except by means of the institutions through which they operate. Differences cannot be reduced to a



simple ideological opposition of independent choice versus control or of freedom versus license. They cannot be reduced to a simple political opposition of forms of "democracy," each claiming to provide freedom of thought and expression as well as conditions adapted to promote morality, science, and art. Problems of censorship are neither purely philosophic nor purely political: they are problems of both values and power. The structures of censorship in political operation must be examined both to clarify the meanings of the fundamental terms and to judge the consequences of the proposed actions.

In a totalitarian state, control of expression and thought is part of the normal exercise of political power. It is censorship in the strict and narrow sense, in which, whatever conception of freedom is accepted and whatever freedoms are preserved, the controls are unquestioned and are imposed authoritatively. Censorship comes to be taken for granted in totalitarian states, and citizens in those states may even think themselves "free," unless the power of the ruling group is challenged or a change of policy requires the condemnation of existing tendencies in art, expression, and theory, and the promulgation of new requirements.

In a democratic state, control of expression and thought is not part of the normal operation of political power. It makes its appearance either in governmental action, as a questionable or improper extension of political power, or in pressure and agitation for change of law or for extra-legal action. It is censorship in the broader secondary sense, whatever conception of freedom is accepted and whatever restrictions are imposed by law. Freedom comes to be taken for granted in democratic states unless some officer of the government or some official agency commits an unauthorized or unusual intrusion on freedom, or unless



some individual or group brings pressure, legal or extra-legal, against particular works or statements or against works or statements of a particular kind.

There is one important difference in the two structures of censorship. In totalitarian regimes, criteria of values and use of power are not separate: art and science, the pursuit of truth, and the cultivation of morality are all defined and used by the state. In democratic regimes, choice of values and use of power are separate: freedom of thought and expression are preserved to provide a place both for individual judgment in art, science, and religion, and for common discussion of the exercise of power, including its effects on the preservation of rights and the advancement of values. This difference is sometimes made the basis for the comforting but questionable doctrine that the arts and sciences flourish automatically in democracies, and that all the practical advantages and cultural benefits of their cultivation are necessarily lost in authoritarian societies.

The relations of the pursuit of truth and the appreciation of values to freedom, in its various senses, and to political and social circumstances, however, are more complex than a simple transitive identification of democracy with freedom and freedom with art and science. The arts and philosophy did not flourish in ancient Sparta, or in many of the forms of military oligarchy and political despotism instituted before and since. Yet it would be a mistake to conclude that scholarship, science, and art depend wholly on broad political and social freedom. Sciences and arts, magniloquent rhetoric and systematic philosophy did flourish in the Hellenistic monarchies and in the Roman and German empires. They were often encouraged by despots and autocratic patrons who sought the adornments of culture for their regimes, and even permitted freedom effectively insulated

from undesirable social and political consequences. The arts and philosophy also flourished in ancient Athens and at various periods when democratic social and political conditions prevailed. Yet it would be a mistake to suppose that democracy is, without deliberate effort and vigilance, an environment congenial to art and thought, or that men concerned with the problems of a democratic society and influential in its government are consistently disposed to view speculation and free expression with enthusiasm or even with equanimity. Lavish financial and material provisions have been made for science, art, and education in recent totalitarian societies. With public recognition and official support, physics and engineering, drama, music, and ballet have been fostered in a structure of rigid political supervision and control.

The essential point is, however, that thought and expression cannot be kept within limits, and paternalistic encouragement is not conducive to searching inquiry or speculative thought. Freedom of expression, on the other hand, provides conditions which permit creative work even when it is not encouraged by social recognition or by material returns sufficient for subsistence. The double problem in a democracy is to improve the conditions of work of the creative artist and the creative thinker, and to preserve their freedom.

Censorship, therefore, presents two distinct problems in a democracy. They are problems which can be recognized in the two forms which arguments against censorship have traditionally taken.

In the first place, censorship is undertaken in the interests of cultural values. Whatever the reasons alleged in support of censorship, as has been pointed out at each outbreak of censorship, the ban falls on the best as well as the worst, and lists of prohibited books notoriously contain a large

number of the great classics of literature, science, philosophy and religion. The history of culture is a history of change and of controversy, and the books that can be approved safely in one period are forgotten in the next. Harriet Beecher Stowe is preferable to Shakespeare, as Tolstoi proclaimed in the period of his moral enthusiasm, if the justification of art and thought is in simple moral lessons for imitation rather than moral depth for enrichment, in practical uses rather than in fundamental inquiry and insight.

In the second place, censorship has not been successful in achieving the ends it is alleged to serve. "Morality" shrinks in the measurements of the censor from the large purview of values universal to all times and all cultures to concentrate on the decencies of sexual and social behavior peculiar to our time and tradition; this "morality" is apparently endangered by representations of practices and problems, suppressions and revolts which deviate from accepted codes and mores. Moreover, since freedom is seen to be in conflict with this morality conceived as conformity with the professed decencies, restrictions of freedom and rights are advocated enthusiastically as remedies for real as well as fancied problems, without inquiry into their possible efficacy.\*

\*Two illustrations from recent history are apposite: according to the *Trenton Trentonian* of November 17, 1955, County Clerk Bergen N. Carter remarked, in response to the comment by a county attorney that censorship laws are frequently held to be unconstitutional, "that the violation of laws preserving personal liberties was not as serious as violating laws protecting common decency." In the New Bedford Delinquency Recess Committee hearing at Fall River reported in the *New Bedford Standard-Times* of November 29, 1955, Representative Peter B. Gay of Taunton is reported to have said that "he favored a stricter law if it would result in preventing only one juvenile from becoming a criminal. 'And I don't care whose toes we step on and what civil liberties we limit,' he declared, 'including the freedom of the press.'"

These problems of the relation of values and power have international as well as national implications. Problems of values are problems of freedom and culture, of the good life and mutual understanding, which in the conditions of modern technology and communication are not only ends in themselves but instruments for survival. They include problems of the place of the creative artist and thinker in a society threatened by the uniformities and materialisms of "mass culture," as well as problems of the cultivation of the arts and of the taste for speculative thought. They constitute the large context of the problems of censorship. Problems of power are problems of ends and means. The ends of censorship are stated as limited objectives, but they have tended in operation to throw suspicion on reason, the arts, and freedom. The means of censorship are devices of power used in the interest of individual morality and common security, but they have tended in operation to advance uniformity at the expense of discrimination and conformity at the expense of freedom.

### 1.3 *Censorship, security, and morality: legal and moral arguments*

The interplay of concern for values and use of power to protect values is apparent in campaigns for censorship and in the specific arguments applied in the circumstances of those campaigns. The *purpose* of censorship is practical: to control and prevent effects deleterious to the individual and dangerous to the community. The causes of those effects are sought in communication and expression, where they are recognized not by their effects but by an immediate intuition and abhorrence assumed to be universal among right-minded men—they are taken to be statements which by their very nature mislead and pervert, misrepre-



sent and subvert. The *pressures* for censorship arise from the practical problems characteristic of periods of crisis and change; but the arguments for censorship normally turn, not on inquiry into those problems and into means of solving them, but on the interrelated dangers of immorality, treason, irreligion, and error. It is tacitly assumed that none of these dangers needs to be defined independently, since each implicates the others, just as it is assumed that it is unnecessary to specify the characteristics of statements by which these dangers are advanced, for they are recognized readily and admitted by all. Finally, it is assumed that no evidence is required to prove that suppressing the statement removes a cause of the condition.

The interrelations of immorality, treason, irreligion, and error have permitted one or another of them to assume a fundamental place in arguments for censorship. The definitions of all four have therefore changed, but without felt need to depart beyond the familiar circle of arguments, to investigate the consequences of censorship, or to compare the actual consequences with the professed purposes.

*Ancient censorships: Greece and Rome.* Censorship in ancient Greece focused on political dangers. It assumed its most violent and extreme forms in democratic Athens during the two periods that followed wars, one successful the other unsuccessful, against despotic powers. The political disorders of the democracy were related by critics and censors to religious and moral causes. Book-burnings, banishments, and executions followed charges of impiety and immorality as well as treason, but impiety was defined with reference to the traditional gods of Athens and immorality with reference to public action. Movements of internal politics and fear of external enemies or, more generally, the suspicion of foreigners, effectively defined

impiety and immorality and determined the occasions of censorship. Protagoras was exiled and his books burned for atheism. Anaxagoras was banished for impiety and Persian leaning. Phidias was sentenced to prison, where he died, for peculation and impiety. Socrates was executed for impiety and for corrupting the young; one of his accusers intimated that his critical attitude justified the suspicion of Spartan sympathies. The earlier condemnations, however, can all be related to partisan attacks on Pericles; the later to the desperate predicament and corruption of the democracy restored after the deposition of the Thirty Tyrants at the close of the Peloponnesian War. In both periods accusations were brought against many outstanding artists and philosophers. The use of trials for impiety and immorality came to an abrupt end when Athens ceased to be an important political power and when accusers no longer found it profitable, in material rewards and in reputation, to bring the accusations.

The same ingredients are found in censorship as it was practiced in ancient Rome, but they were focused in a political context on moral dangers. The crisis which stimulated censorship was the threat not of external despotic powers but of internal forces that transformed the constitutional forms of the Republic into the totalitarian institutions of the Empire. Greek culture was thought to be one of the causes of the corruption of republican virtues; the rhetoricians and philosophers were therefore banished from Rome. Within legal forms and procedures similar to those employed in Greek trials for impiety and treason, the practices of the informer, the *delator*, were developed to protect the primitive virtues of Rome from treason and immorality. Treason was conceived broadly enough to include a poet who attacked Agamemnon in a tragedy and

a historian who said Brutus and Cassius were the last of the Romans, as well as anyone who made a statement that could be interpreted as critical of the Government. Immorality was treated primarily in charges of adultery, which became a profitable field for informers: legislation on adultery was harsh and common social practices were loose. Immorality and impiety were effectively defined in Rome, as in Athens, by the social and political situation; but whereas the context of immoral behavior in Athens was actions affecting the state, immorality in Rome had reference to the family and sexual behavior. Also, whereas impiety meant disrespect for the gods or "importing new gods" in Athens, it was the reverse of religious exclusivism in Rome: the Christians were persecuted for refusing to place their God in the pantheon, and consequently disqualifying themselves for civic duties. The defense of the constitution became more important than the constitution itself; when the Senate was on the point of passing a law to deprive informers of their rewards if their victims committed suicide before the end of the trial, Emperor Tiberius opposed the motion, arguing that it is "better to subvert the constitution than to remove its guardians." It is difficult to determine when the activities of the informers ceased to be profitable and effective, partly because the later Roman historians are less explicit and more cautious than the earlier in their treatment of informers.

*The Christian era.* With the coming of Christianity, the same ingredients reappear with a religious focus. In the fourth century A. D., after the Edict of Milan and the establishment of Christianity, the dangers of irreligion took on a doctrinal and institutional form. The clarification of dogmas was accompanied by the condemnation of heretical doctrines (most of which were traced back to pagan

philosophy); the organization of the Church was accompanied by the condemnation of schismatics. During the Middle Ages, doctrinal controversies were gradually resolved and the relations of the Church to secular governments underwent a series of determinations. Canon Law was codified by Gratian in the twelfth century; theology was systematized in the thirteenth century. University faculties and bishops prohibited the reading of certain books and condemned doctrinal "errors" during the thirteenth and fourteenth centuries. Strong secular governments took over the execution of sentences for heresy. Religion was protected from error by political and by ecclesiastical power in the religious reforms and counter-reforms of the Reformation, and religions were "established" and operated as state religions before religious freedom was recognized. The banning of books was a weapon of theological controversy and of political revolution. Even sects that had suffered persecution established theological restrictions and prepared their own lists of condemned books when they found refuges in which to practice their own religions. The pattern of doctrinal condemnations and political restrictions continued for centuries, disappearing only when and where religion was withdrawn from politics.

Censorship has a political and social basis in the various forms which it has taken in Athens, in Rome, and in the development of Christianity, but political and social objectives have been used to define impiety, immorality, and error, and have in turn been defined by them. On this basis, it becomes reasonable to suppose that a political crisis may be caused or be influenced in some sense by irreligion, immorality and error; and it is then a plausible inference that current practices exemplify those disorders and should be suppressed. It is no less reasonable to suppose that error is



the cause of irreligion, immorality, and political and social chaos; and then, since error can be recognized not only as falsity in science but also as blasphemy in religion, vanity in art, and subversion in social and political organizations, it should be prohibited in all these forms even when the contrary truths are not clear. Once this interplay of morals, religion, truth and political security is observed, it is seen that it operates in agitation for censorship in place of the definition of terms, the establishment of fact, and the determination of causal efficacy.

*Modern censorship.* Modern censorship, like earlier ancient and medieval forms, makes use of this loose inferential connection; it takes its chief strength from the fallacies it conceals and the fears it engenders. It applies with equal effectiveness to literature and pornography, to science and pseudo-science, to political discussion and subversion. Although the fallacy is apparent when it is examined from the vantage point of a later time or another culture, it is very difficult to break the circle of the argument in the situation in which it occurs. Descartes was led by the condemnation of Galileo for expounding the doctrines of Copernicus to exercise self-censorship and to suppress the publication of his physical theories. He writes in the *Discourse on Method*:

Three years have now elapsed since I finished the treatise containing all these matters; and I was beginning to revise it, with the view to put it into the hands of a printer, when I learned that persons to whom I greatly defer, and whose authority over my actions is hardly less influential than is my own reason over my thoughts, had condemned a certain doctrine in physics, published a short time previously by another individual [*sc.* Galileo], to which I will not say that I adhered, but only that, previously to their censure, I had observed in it nothing which I could imagine to be preju-

dicial either to religion or to the state, and nothing therefore that would have prevented me from giving expression to it in writing, if reason had persuaded me of its truth; and this led me to fear lest among my own doctrines likewise some one might be found in which I had departed from the truth, notwithstanding the great care I have always taken not to accord belief to new opinions of which I had not the most certain demonstrations, and not to give expression to aught that might tend to the hurt of any one.

In spite of this caution, Descartes' *Meditations* and six other works were put on the *Index* after his death; in 1926 all his philosophical works were suppressed in Soviet Russia. Neither of these condemnations depended on its being demonstrated that the philosophy is false or, if it is, how reading it is prejudicial to religion or to the state, or tends to the hurt of any one.

Spinoza, who was influenced by Descartes' effort to make philosophy more scientific and whose piety was so apparent that a later philosopher referred to him as a "God-intoxicated man," found it impossible to publish his works in Holland, in spite of the fact that freedom of thought and expression was officially recognized there. His *Tractatus Theologico-Politicus* was published in Amsterdam in 1670 with a false title page, which not only omitted the name of the author but falsified the place of publication as Hamburg. When Spinoza went to Amsterdam in 1675 to arrange for the publication of his *Ethics*, he was led by the virulence and animosity of the rumors in circulation to give up his plans. The purpose of the *Tractatus*, as specified in its subtitle, was to "set forth that freedom of thought and speech not only may, without prejudice to piety and the public peace, be granted, but also may not, without danger to piety and the public peace, be withheld." It was denounced by Protestant divines and politicians for its

impiety and political danger. The *Ethics*, after its posthumous publication, was denounced as atheistic and immoral.

In general, scientific doctrines and their philosophic extensions have been censored because of their supposed effects on religion and society. Darwinism has been judged irreligious and the source of an erroneous conception of the relations of races in some southern states of the United States; Mendelianism has been condemned in the Soviet Union as a capitalistic bourgeois error which destroys the true basis of the equality of men and limits man's power to control his own destiny. The interplay of arguments for censorship leads frequently, in the heat of controversy, to a suspicion of art and thought as such, and to their control in the interests of morality, religion, and security.

*England.* The history of censorship in England recapitulates the alignments of the successive arguments for censorship produced to meet successive dangers. The religious danger was prominent in the first prohibitions. In the fourteenth century, after the Wyclif heresies, translations of the Bible into English were prohibited unless first submitted to examination, and ecclesiastical officers had the right to proceed in open court against makers and writers of heretical books. In 1521 Luther's books were burned. In 1529 Henry VIII issued a proclamation against the books of Luther and other heretics by which "the king's subjects are likely to be corrupted"; the prohibition applied not only to books "against the faith catholic, or against the holy decrees, laws, and ordinances of the holy church," but also to those "in reproach, rebuke, or slander of the king, his honorable council, or his lords spiritual or temporal." The proclamation contained a list of prohibited books; the first continental index was published fifteen years later, in 1544.

The political upheavals of the eighteenth century led to the restriction of reporting of Parliamentary debates, which was abandoned only in 1771 as a result of the crisis of the *Junius Letters* and the efforts of John Wilkes. The progress of the French Revolution provoked recourse to the law of treason to regulate subversive publications. The officers of the Constitutional and London Corresponding Societies were prosecuted for high treason. Both societies had advocated universal suffrage and annual Parliaments. The indictment charged their leaders, under the doctrine of "constructive" treason, with preparing for the overthrow of the king and the establishment of a republic. Ten prosecutions were dropped, and the remaining two defendants were acquitted in 1794.

Coleridge, in his *Biographia Literaria*, evokes the atmosphere of suspicion and espionage that grew up between Englishmen who had been sympathetic and those who had been fearful of the French Revolution. "Both parties had found themselves in the wrong. The one had confessedly mistaken the moral character of the revolution, and the other had miscalculated both its moral and its physical resources." In 1797, when Coleridge and Wordsworth were living at Stowey, their conversations were subject to police scrutiny; even references to Spinoza were subject to suspicion:

The dark guesses of some zealous *Quidnunc* met with so congenial a soil in the grave alarm of a titled Dogberry of our neighborhood, that a spy was actually sent down from the government *pour surveillance* of myself and friend . . . He had repeatedly hid himself, he said, for hours together behind a bank at the sea-side (our favorite seat), and overheard our conversation. At first he fancied, that we were aware of our danger; for he often heard me talk of one



*Spy Nozy*, which he was inclined to interpret of himself, and of a remarkable feature belonging to him; but he was speedily convinced that it was the name of a man who had made a book and lived long ago.

Sycophants and informers appeared as part of the development and extension of censorship for treason; and, by a familiar turn, unspoken treason was added to treason inferred or constructed from speech. Coleridge again:

One of the many busy sycophants of that day, — (I here use the word sycophant in its original sense, as a wretch who *flatters* the prevailing party by *informing* against his neighbors, under pretence that they are exporters of prohibited *figs* or *fancies* — for the moral application of the term it matters not which) — one of these sycophantic law-mongrels, discoursing on the politics of the neighborhood, uttered the following deep remark: “As to Coleridge, there is not much harm in *him*, for he is a whirl-brain that talks whatever comes uppermost; but that ——! He is the *dark* traitor. *You never hear HIM say a syllable on the subject.*”

It may not be pure coincidence that the English Society for the Suppression of Vice was incorporated in 1802.

During the nineteenth century, the problems of censorship centered on common law rules of seditious and blasphemous libel. By the middle of the century the battle seemed to be won. In 1859 John Stuart Mill wrote in his essay *On Liberty* that “the time, it is to be hoped, is gone by when any defence would be necessary of the ‘liberty of the press.’” He was convinced that in constitutional countries, it was not to be apprehended “that the government, whether completely responsible to the people or not, will often attempt to control the expression of opinion, except when in doing so it makes itself the organ of the general intolerance of the public.” But he had to add a footnote concerning the Government Press Prosecutions of

1858, which occurred as if to give emphatic contradiction to his words. He did not find it necessary to change his opinion, however, because the prosecutions were not persisted in, and they were not, properly speaking, political prosecutions. "The offence charged was not that of criticizing institutions, or the acts or persons of rulers, but of circulating what was deemed an immoral doctrine, the lawfulness of Tyrannicide."

*The United States.* Sedition and vice have been the two most frequent reasons for censorship in the United States. Both were prominent in the waves of censorship that have been the aftermath of the two world wars.

Here, as elsewhere, the interpenetration of arguments concerning the dangers of immorality, irreligion, sedition, and error makes factual or causal evidence seem unnecessary. The sense of insecurity is a fact; it has causes and effects. It seems a cause as well as a symptom of immorality and violence. It seems evidence of prevailing irreligion and of failure to distinguish between right and wrong; these in turn seem evidence of the danger novel ideas or unorthodox doctrines present to established institutions and values. The argument is circular: it can begin at any point—actual or alleged immorality, irreligion, novel and dangerous ideas, or sedition—and move in any direction. The crisis that leads to agitation for censorship may be the threat of aggression by a despotic power; or subversion of established institutions; or atheism and deviation from particular religious tenets; or obscenity, immorality, and crime. The arguments for censorship are much the same in all crises, for each contributes to and is part of all the others.

The structure of the arguments for censorship today becomes more clearly apparent against the background of the previous history of censorship. We have little difficulty in

recognizing the structure of censorship in the Soviet Union. It is censorship in the strict or preventive sense, enforced the more easily because the means of communication are all controlled and operated by officials of the state. It is based on a doctrine systematically expressed in dialectical materialism. Since this philosophy pretends to be scientific, it can be made the basis for judging methods and conclusions in the sciences; it predicts and defines a new morality; it can be made the basis of a campaign against religion, and to assume itself some of the characteristics of a religion; it provides reasons for suppressing variant political doctrines and political parties; it can put journalism, history, scholarship, and the arts to uses which promote the ends of the state and advance the new morality.

The pattern of censorship in the United States, on the contrary, has not been by preventive censorship or by official licensing since colonial times. This difference is recognized by two groups: those who take comfort in the fact that agitation for censorship in the United States assumes a democratic pattern of activity by individuals and groups in support of various controls or in defense of basic freedoms, and those who read signs of authoritarian doom in the ill-considered actions of officials and in the ill-omened success of campaigns of pressure and fear.

Censorship in the broad secondary sense has been practiced in the United States usually by prosecutions after publication, under laws proscribing certain communications as dangerous to public order, public morals, or the security of the state. It is not based on a doctrine or explicit philosophy, but it does put into application convictions, usually unexamined, concerning what is dangerous in an expression or communication, and concerning how the danger affects public order, morals, and security. The

effect of such application is to accept in practice the implications of philosophies which would often be unacceptable if stated explicitly, but which derive a spurious cogency from the importance of the problems and tensions to which they are supposed to be relevant.

*The elements of censorship.* We have examined the arguments for censorship under three headings in order to separate three elements which are brought into fallacious and dangerous combination when these distinctions are not made. (i) Our constitutional and legal traditions, at least since the state constitutions of 1776 and the first amendment to the Constitution of the United States in 1791, have guaranteed freedom of speech and of the press in terms that have been interpreted as inconsistent with preventive censorship. Such restrictions of communications as have been permitted by the courts have usually been justified by *consequences* rather than by contents, and by considering the communication as incitement to an act rather than as expression of an idea or artistic presentation. (ii) Agitation for censorship, in contrast, begins with the contents of statements which are judged in themselves to possess *characteristics* likely to have undesirable effects on public order, morals, and security. Those characteristics are so vaguely defined, usually on the supposition that they can be recognized immediately by anyone, that they can be extended indefinitely to include anything that the agitators dislike. The extra-legal methods employed to repress such works, including boycott and fear, produce a dead uniformity of level, and a tendency to avoid actual problems and factual presentations. (iii) Philosophical arguments, so far as they are employed, make explicit the principles and assumptions — definitions, causal relations, and alleged facts—which underlie legal and political arguments, and



supply the *connections* between inferred consequences and observed characteristics.

Our conclusions fall under three headings.

*Conclusions: philosophic arguments.* With respect to philosophic arguments, we are convinced that the problem of censorship does not arise out of opposed conceptions of freedom, if those conceptions are properly understood. Advocacy of censorship, at present, is nevertheless based on a form of the conception of freedom as doing as one should; this conception conceals the use of vague definitions, loose interpretations of facts, and ungrounded assumptions concerning social and behavioral influences in judging and listing works to be censored. We are convinced that a better and more widespread understanding of the nature and operation of freedom, and of the implications of the various conceptions of freedom, would help solve the problems which occasion agitation for censorship. However, we have concentrated our attention, not on differences of fundamental principles, which we believe can coexist in a democracy, but on common assumptions which endanger those principles, including the principles of freedom.

The arguments for censorship seem to involve four reasons for suppressing statements and communications: because they contribute to immorality, irreligion, subversion, or error. The arguments do not operate independently; they are joined in a single circle of mutually confirmatory arguments. Two of these concepts—irreligion and error—have not been prominent in arguments for censorship in the United States, because arguments for repression on these grounds run counter to assumptions written into the Constitution and its judicial interpretation: that truth will

triumph over error in free discussion of all problems, including religious differences, and that the free expression of heretical views contributes in discussion to truth and lessens the danger that heretical views will be imposed by authority. The concepts of irreligion and error have nevertheless reappeared in the development of the two remaining arguments—danger of immorality and danger to the state—which have been employed in recent efforts to extend censorship.

In the larger applications of the arguments, “immorality” may be extended to include effects on action, character, basic convictions, and treatment as member of a race or religion. “Danger to the state” may include subverting its common security, corrupting its common values, undermining its accepted doctrines, religious, social, or political, and misrepresenting its common life. In recent times, several of these applications have been stressed in propaganda for censorship, and in statutes and ordinances which feature phrases like “tending to corrupt the morals of the young,” “inciting to crime and violence,” and “seeking to overthrow the government by force or violence.” These phrases depend for definition and effect on the familiar circle of arguments, which supplies the connection between felt abhorrence and alleged effect. Thus the Gathings Committee—the Select Committee of the House of Representatives on Current Pornographic Materials—laid down the judgment, in place of basic analysis, that the recent proliferation of obscene literature constitutes “a serious menace to the social structure of the Nation”; it recommended, in place of legal devices, the extension of the censorship activities of the Post Office; increased activity by private groups to demand the removal, under threat of boycott or

legal and political action, of books and magazines which they believed to be morally objectionable; and elimination by publishers of "objectionable" output.

Our analysis of the arguments for censorship convinces us that the basic fallacy of censorship can be traced back to the confusions between the arguments, and that the most important single contribution to clarification would come from *separating questions of irreligion, error, and immorality from questions of danger to the state*. Taking religion out of politics, to use the British phrase, lessened both the political disabilities imposed because of religion and the interference of religious bodies in political questions. Freeing speculation—matters of knowledge and opinion—from political and religious controls vastly advanced the acquisition of knowledge without endangering the utilization of what is known, or believed, to be true. We are convinced that morality is not advanced by restricting communication, but, on the contrary, is crippled by restrictions, however well-intentioned or forcefully administered. And, as for our nation's security, we are satisfied that, whatever may be the short-run considerations, free institutions are more likely to be preserved by freedom of expression than by political control of expression.

*Conclusions: political and legal arguments.* These general considerations reappear as the basic distinctions which are relevant to political and legal applications of arguments. Since strict or preventive censorship of the press is unconstitutional, the censorship of books has assumed the broad form of post-publication control of distribution under the postal law, the customs law, state laws, and local ordinances. It has been influenced by military censorship during wars, the exercise of police powers, the activities of governmental agencies which purchase books, and the voluntary self-

censorship under strict codes set up for motion pictures (for which preventive censorships also exist in four states), radio, and television. The problems of censorship of books therefore fall between the precedents established in a long struggle to maintain the freedom of the press and the new practices of the mass media.

Our constitutional protection against preventive censorship is soundly grounded: it is freedom from previous restraints placed on publication; it does not involve freedom from censure for matter reasonably found to be of a criminal character. The use of police power in post-publication restrictions is sought either under existing statutes, often extended or deviously applied, or under new statutes drafted on the analogy of other regulations under police power. It is difficult to control the irregular use of police power in censorship except by vigilance. Better statutes, however, can be drafted; provision for judicial review can be guaranteed; and the use of existing procedures in the interests of freedom can be improved. We are not persuaded, however, that the suppression of books alleged to promote immorality, violence, or subversion of the government is justified by existing knowledge of the consequences of reading. We have therefore recommended empirical inquiries concerning alleged influences and, where statutes exist or are likely to be passed, legal advice to assist in court actions and to improve statutes.

*Conclusions: moral and social arguments.* Moral and social uses of arguments to influence people are at the center of the problems of censorship and of the freedom to read books. They are influenced only indirectly by philosophic considerations of the validity of statement or inference, or by legal considerations of constitutional principles or judicial procedures. Yet the arguments are funda-



mentally the same; they escape the bonds of logic and precedent because the problem is said to be so urgent and the remedy so obvious as to require neither technical information and niceties of inference nor legal formalities. The Gathings Committee justified its recommendation on the grounds that the present calls for drastic action. In general, the "drastic action" is intended to increase the scope and application of censorship, as well as its celerity and efficacy. The means available include boycott; pressure on booksellers, librarians, and public agencies which purchase books; bans, legal actions, and threats of vice societies; the action of police, postal and customs officials; and, finally, self-censorship induced by caution or fear.

The basic arguments for censorship are particularized when they are applied to various problems by the various groups stirred to action by those problems. (1) *Immorality* has become identified largely with obscenity and the possible effects of obscenity on sexual behavior. The concept of immorality is extended to include (2) *vulgarity and bad taste*, which are evidenced by the use of tabued four-letter words and by references to tabu subjects, such as homosexuality, narcotic addiction, suicide, miscegenation. "Immorality" also includes departure from pre-determined attitudes: crime never pays, divorce is never justified, the clergy are never bad, adultery is never unpunished. It is not unrelated to (3) the representation of *crime and violence*, and the possible effect of such presentations in promoting juvenile delinquency.

*Irreligion and impiety* reappear (4) in efforts to prohibit "sacrilege" and "blasphemy." (5) Misrepresentations and *defamations* of racial, religious, or national groups are dangers that may be considered threats to the social order or to religion, or as libels prejudicial to the interests and

reputations of groups. (6) Political, social, and economic doctrines may be held to be *subversive*. (7) Doctrines may be attacked, finally, not only for their effects on religion or political institutions, but also for their scientific *errors*, as in the successful campaign of scientists to induce the original publisher of Velikovsky's *Worlds in Collision* to cease publication. If the effort to prevent publication or to limit distribution fails, agitation may turn to labelling the books under attack.

These activities are dangerous because a small energetic group is able to impose the consequences of its judgments and prejudices on a community, frequently without the majority of the community becoming aware of what has happened. When the issues are discussed openly, an argument which justifies suppression as a defense of morality and the social order is not easily rebutted, even by a better-documented, and therefore more complex, demonstration that morality and order are not endangered in a particular case or that, in general, suppression does not in fact advance morality and patriotic purposes but does undermine the bases of morality and of constitutional rights. The real issues are usually not met directly; and when instead the issue posed is whether one is for or against obscenity, violence, and subversion, or whether one wants one's children to be exposed to them or not, it is usually too late to direct public attention to the definition or the causes of obscenity, violence, or subversion, or to induce consideration of the extraordinary extension those terms can have when applied without definition or control. Moreover, existing and responsible organizations are seldom prepared to undertake the emergency action required to counteract the effects of pressure groups dedicated to any of these programs of suppression.

Nevertheless, for a variety of reasons, among which must be numbered the importance attached traditionally to the freedom of the press, resistance to censorship has been more successful in the case of books than in that of other media of mass communication. It is partly for this reason that we think it important to have a theoretic reformulation of the problems of censorship as they apply to books. For this reason also we shall recommend, as part of a program of practical action, that information be prepared concerning the experiences of groups which have been subjected to agitation and pressure.

*The larger problems.* We have, of course, only touched on the larger problems of freedom, which are the context of the problems of censorship. They do not fall within the scope of our inquiry. But the negative problems of counter-acting efforts to suppress cannot be treated without at least mentioning the positive possibilities of freedom and creative development. We have argued against censorship as a device to restrain the development of vice, violence, and subversion, not because we do not recognize the existence of problems of immorality, crime, and insecurity, but because we are convinced that putting bans and limits on the circulation of books is not a means of moderating or eliminating those problems. On the contrary, such activity itself creates serious problems of morality and security, problems which are concealed by the release of emotions in "book-burning" and labelling. We doubt the accuracy of those extreme statements of alarm which see the threat of authoritarianism in every repressive measure, the mark of anti-intellectualism and materialism in every jibe at ideas and culture. But we have no doubt that the censorship of books is a sensitive indication of the forces operating to endanger the political institutions which em-

body and protect our basic freedoms, and the cultural heritage which gives them meaning and weight.

The development of reading habits is threatened not only by organized repression, but by the heightened distractions of modern life; the development and influence of creative artists are impeded not only by purposeful hostility, but by the indirect influences of the increasing size of audiences and the rising costs of publication. If we turn our attention from the problems of censorship to the problems of freedom, it is important to base our strategy on *opportunities to be developed rather than on limitations to be combatted*. The large potential audience for books is only beginning to be reached in the recent revival of paper-bound books. The development of the taste and the cultivation of the interest of that audience could provide a measure of protection against censorship, by using the good to lessen the attraction of the meretricious and the bad. The development of judgment and discrimination is one of the central aims of education; it is one of the chief instrumentalities by which to advance the understanding and communication essential to democratic social and political institutions. In a cultural atmosphere where judgment and discrimination are informed, creative thinkers and artists may again assume the place and responsibility which they are given when the republic of letters is conceived as the adjunct and organ of expression of a democratic society.

## 2. The incidence of censorship

Arguments for censorship are practical arguments, and their applications in the interests of morality, religion, truth, and security vary from age to age, with changes in the modes of communication to which they are applied and



with changes in the available mechanisms of legal and extra-legal action. Censorship took on its modern form with the invention of the printing press; the censorship of printed matter has more recently been influenced by the development of other mass media of communication.

The incidence of censorship—the objects and persons on which its judgment falls—is double: it expresses a judgment and it assigns a penalty. The judgment may be of a particular person, of a particular kind of communication or communicator, or of the effects of the communication on emotions and actions. The penalty may fall on the individual (a sentence of death, excommunication, banishment, loss of office or status, or fine), on an art or profession (prohibition or limitation of a kind of expression or of a kind of practitioner), or on a particular work (burning of books or refusal to license performance of plays).

In antiquity the arguments for censorship were based on judgments of effects. The arguments, stated systematically by philosophers, treat the effects of poetry (in a broad sense which includes music) on character and action. Plato argued against poets on the grounds that their false presentation of the actions of gods, heroes, and men were likely to have immoral effects, and that the imitation of unworthy objects and actions has a degrading influence on the character. Aristotle distinguished the aesthetic characteristics of poetry from its social and political effects, but recognized that the art cultivated and tolerated in a community corresponds to, and reinforces, accepted values and established institutions. The arguments against the impractical and immoral results of abstract speculation were stated in antiquity by rhetoricians like Isocrates. Ironically enough, the penalties of censorship in Athens actually fell on the philosophers rather than the poets, except those

poets who were guilty of philosophic errors contributing to impiety and immorality. Censorship was directed to teachers or their teaching, usually without specification of a book. During the Hellenistic period there was strenuous agitation to prohibit philosophizing. The Romans banished philosophers and rhetoricians and by the edicts of the censors placed political disqualifications on the profession of acting.

During the Middle Ages, the argument concerning errors was sharpened: errors could be stated concisely and precisely, and there was no need to argue concerning the danger of their effects. The reading of some of the newly translated works of Aristotle and of the Arabic philosophers was prohibited at the University of Paris in the thirteenth century. In the doctrinal condemnations pronounced by ecclesiastical authorities at Paris and Oxford, all that was needed was a list of propositions in theology and other fields specified as "errors" (the Oxford list promulgated by the Archbishop of Canterbury in 1277 is divided into propositions in Grammar, Logic, and Natural Philosophy). The teaching of errors was prohibited; the publication, reading, keeping, sale, translation or communication of books containing errors or heretical doctrines was forbidden; authors were subject to excommunication as well as further penalties of imprisonment and death executed by secular authorities.

The historical origin of the *Index Librorum Prohibitorum* is not known. St. Paul approved the burning of bad books by the Christians of Ephesus (Acts xix. 19). The establishment of the canon of the New Testament was accompanied by the condemnation of apocryphal books; and the heretic Arius and his book *Thalia* were condemned by the Council of Nicaea in 325. These concerns with documents and doctrines were broadened to include dangers of contamination

of faith and morals by bad books; but the notable development of the *Index* occurred after the invention of printing. Roman disapproval of actors was continued during the Middle Ages and was extended to romance. The amatory poetry of Ovid was "moralized," however, and was very widely influential, although its dangers were occasionally remarked. There were periodic attacks on all the arts and all learning as incompatible with Christian life, or at least with monastic life, as in the works of Peter Damiani in the eleventh century, as well as defenses of the liberal arts and sound philosophy. Even John of Salisbury, who called himself an academic (that is, a moderate skeptic) in philosophy, and who is our only source for several fragments of Petronius, finds romance and drama serious threats to the morals of the twelfth century:

But our own age, descending to romances and similar folly, prostitutes not only the ear and heart to vanity but also delights its idleness with the pleasures of eye and ear. It inflames its own wantonness, seeking everywhere incentives to vice . . . However, the wise man's mind detects what is helpful or fitting in cases as they occur, nor does he shun fables, stories, or spectacles in general, providing that they possess the requirements of virtue and honorable utility. You are not unaware that by the authority of the Christian Fathers the sacrament of holy communion is forbidden actors and mimics as long as they persist in their evil career. Hence you may infer in what a perilous position their supporters are if you but recall that perpetrator and confederate are to suffer a like penalty.

Books which are forbidden *de jure* under the rules of the code of canon law include books which purposely treat of, narrate, or teach lascivious or obscene matter, as well as books which defend heresy or schism, books which purposely attack religion and sound morals, books about re-

ligion by non-Catholics unless they contain nothing against the Catholic faith, and, since 1949, books which champion the doctrine or action of the Communists.

Printing gave censorship, in its strict sense, a meaning and scope which it never had before. In most countries printing was licensed. In Great Britain a rigorous censorship was exercised until 1695 when the Licensing Act was allowed to lapse; since that time there has been no restriction on publication, although there are statutes affecting the publication of seditious, blasphemous, obscene, or libellous matter. However, censorship of the British stage has continued from the early sixteenth century to the present, while censorship of films is exercised by a private body, the British Board of Film Censors.

Censorship of the stage, and of the later media that reach audiences who are literally auditors and spectators, follows lines that echo the arguments of the ancient philosophers. Printing, on the other hand, not only gave censorship a new meaning but also provided new applications for the arguments for freedom. Milton's *Areopagitica* was a speech delivered in 1644, as its subtitle indicates, in defense of "the liberty of unlicensed printing." It answers all the traditional arguments for censorship, pointing out that if all the objects of lust were banished and all youth shut up "into the severest discipline that can be exercised in any hermitage, ye cannot make them chaste, that came not thither so," exposing the weakness of "a fugitive and cloistered virtue, unexercised and unbreathed, that never sallies out and sees her adversary," and defending the principle "that our faith and knowledge thrive by exercise, as well as our limbs and complexion." The Licensing Act was not defeated by these arguments; it lapsed almost by inadvertence in 1695. Three years later, in 1698, Jeremy



Collier attacked the coarseness of the contemporary theatre in his *Short View of the Immorality and Profaneness of the English Stage*; John Dryden and other dramatists confessed their faults and expressed their repentances.

Freedom is justified by its effects, and some effects are alleged to justify restraints. But in both these fields it is the work—the publication and the play—and its effects that are discussed, and the penalty under consideration is primarily censorship of the work. A sharper line was drawn in modern times between the author and his work: the author was no longer on trial for a public or private offense (unless he published without license, which was a criminal offense, or violated one of the laws), and the incidence of judgment on which the penalty was based tended to move from influence on ideas to influence on emotions and actions.

In the United States, censors have never had control over plays before production, and no licensing of books has been authorized since colonial times. Freedom of the press has been included among the fundamental personal rights and liberties protected against governmental action by the First and Fourteenth Amendments, and the publication of books has shared the freedom of other forms of publication. Motion pictures, radio, and television have developed an extreme form of self-censorship in the strict or preventive sense, partly to forestall an official censorship, partly out of fear of offending audiences and sponsors.

If books are placed in the sequence of kinds of communication, between newspapers and magazines, on the one hand, and theatre, motion pictures, radio, and television, on the other, the peculiarities of the incidence of censorship fall into serial order. There has been no strict or preventive censorship of newspapers, magazines, or books

in the United States since its establishment as an independent nation. There is a strict or preventive censorship (voluntary except for the four states that still have censorship for motion pictures) in what were once called the imitative arts, and it increases in rigidity and narrowness as one moves from theatre, through motion pictures, to radio and television. Stories and pictures are published in newspapers which would be excluded as obscene or too violent on radio or television. Part of the campaign for censorship is for the purpose of setting up similar self-regulating "codes," governing obscenity and violence, over the publication of magazines (including comics) and books. The strategy of the campaign, moreover, involves the threat of official censorship if such codes are not imposed "voluntarily." The tradition of the freedom of the press has come face to face with the tradition of the censorship of the theatre.

At the same time, the paradoxes of the incidence of censorship are increased by the confrontation of two other traditions. There has never been a government monopoly of any of the means of communication in the United States; governmental agencies, or agencies disbursing public funds, national or local, however, have become purchasers of a vast number of books during the past few decades; voluntary censorship, conscious or unacknowledged, has to some extent tailored the production of books to meet the known interests and tastes of these purchasers.

These problems can be elucidated by considering the incidence of censorship as it is practised today. They cannot be treated wisely or effectively by bandying large undefined terms like "responsibility" and "freedom," or "public morals," "public order," and "the security of the State." It seems to be clearly the case that some publishers of news-

papers, today as in the past, have shown irresponsibility and have skated close to the edge of the laws of the land and the amenities of decency in the interest of increasing circulation. It seems to be no less clear that motion pictures, radio, and television have shown a timidity of judgment and often a debasement of taste. There is no profit in discussing whether the restrictions of the other mass media should be applied to the press under the guise of "responsibility," or whether the aberrations of the press should be extended to the contemporary forms of dramatic visual and verbal representation under the guise of "freedom." Consideration of the incidence of censorship, however, uncovers three relevant distinctions in operation at present which might serve as useful guides.

In the first place, the pressures for censorship of books as well as the defense of the freedom to read are explained by the location of books midway between newspapers and television in the continuum of modes of communication. The incidence of judgment is not the content but the audience. The pressure for censorship has increased particularly in the case of paper-bound books, which have a mass audience and which are more easily available to the young. The form of inference by which reaction to *content* (judged to be objectionable) is translated into *effect* (alleged to follow) operates in arguments for censorship. The same form of judgment is used in a somewhat different manner in the defense of freedom, when it is argued that public demand is the effective cause which determines the content of newspapers. The public gets what it wants, and the public is determined by what it is exposed to, particularly when young and impressionable.

In the second place, the interplay of arguments bearing on print and on verbal and visual communication has led

to a curious exchange in the incidence of censorship on expressions of ideas and on dramatic representation of emotions and actions. The classical arguments for censorship were philosophical arguments calling for the control or censorship of poetry. The chief incidence of censorship in antiquity was on philosophers and on irreligious, immoral and seditious ideas. Some of the early Christian writers were suspicious of pagan art and philosophy, but with the development of Christian theology and canon law the incidence of censorship was on error—heretical, schismatic, or doctrinal.

With the invention of the printing press and the later development of mass communication, the incidence of censorship was more and more on the emotions and actions caused by the expression, less and less on the ideas or content expressed. The practice of censorship conforms more nearly to the arguments of the philosophers, and errors are deemed dangerous only in their consequences. Ideas are censored in so far as they are thought to cause particular emotions and actions. The exposition of ideas is to be tolerated and protected, so that argument runs, if it is distinguished from the advocacy of objectionable ideas, the use of objectionable ideas in propaganda, and the deceptive exposure of the unprepared to unlabelled ideas. This restriction, if applied with enthusiasm and animus, cuts seriously into the professed tolerance for the exposition and discussion of ideas. It is not enough, as Mill pointed out, for any one who is concerned with morals, religion, politics, social relations, and the business of life to "hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or to bring them into real contact with



his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest, and do their utmost for them." One of the effects of arguments for censorship in defense of morality, religion, society, and truth is to throw suspicion on art and thought as such. When the incidence of censorship falls on emotions and actions, which are assumed to have causes in expression, rather than on ideas, which are assumed to have consequences in action, the discussion of censorship becomes as complex and devious as its practice.

In the third place, the incidence of censorship in antiquity and the Middle Ages was on the author, sometimes without reference to his book, sometimes as the responsible cause of his book. The invention of printing and the development of more liberal attitudes toward intellectual inquiry and religious beliefs, gradually separated author and book, until the author suffered no other penalty than suppression of his book, if it was censored for reasons still held valid, unless it also contained materials in violation of the law. The growth of governmental book-buying has caused censorship to fall once again upon the author, not, however, as subject to penalty but as object of judgment; the actual contents of the book need not be scrutinized carefully if they can be judged from the "known" convictions and associations of the author.

Each of these shifts of incidence of modern censorship has noteworthy consequences. The allegation of effect as a substitute for judging content makes it possible for the censorial to argue that censorship will not affect serious books or literature; it will simply make inaccessible filth and trash, which no one should be concerned to defend; and lofty arguments about freedom, inquiry, and creativity are not to the point. The incidence on emotion and action

induced by passages in a book, as a substitute for reasoned analysis of cause and effect, makes the operation of censorship semantic and topical: that is, a detection of improper words (four-letter words for obscenity, words having the connotation of "international" or "socialistic" for subversion) and tabu subjects. The incidence on authors as a substitute for judgments of what they say leads to the blanket condemnation of anything a suspected writer may say—the traditional condemnation of *opera omnia*—by facilitating the inference from author to consequence, without a decent pause to consider the intermediate book. Each of the arguments that are given force by these incidences of judgment should be considered in its particularity as well as in the philosophic, moral, and political generalization from which it borrows its form.

With respect to the first argument based on effects, we acknowledge that we too, like the average American, are averse to pornography and sadism, to filth and to trash. But we are convinced that efforts to cut off access to such material stimulate curiosity and have no other clearly marked effects on interest in obscenity or immoral behavior.

A historical parallel may clarify the distinctions we apply to the present situation. The authorities in Spain in the late sixteenth century were much concerned with the unhealthy and immoral influence of the literature of chivalric romance. Its heroes—Amadis of Gaul, Rinaldo of Montalban, the Cid, Roland of Roncesvalles, Bernardo del Carpio, and a host of other knights-errant—performed the exploits of pre-scientific "supermen." Their characters ranged from abnormal purity to a wide-ranging lust suggestive of the manners and motives of Mike Hammer; they could all run their swords through thieves and villains

"heedless of the joints." Charles V, who was said to have been a secret amateur of these tales in the privacy of his palace, prohibited their export and sale in America, and the Cortes ordered all existing copies to be seized and committed to the flames. These measures had no recorded effect. But in 1605 the first part of Cervantes' *Don Quixote de la Mancha*, satirizing the heroes of romance, was published. Within a few years the vogue for romance had all but disappeared, and Spanish printers found it necessary to revise their lists completely. No dependable information concerning the effect on the morals of the times is available. While it is worth remarking, in the broad context of an argument concerning the effects of literature, that Spain has not ranked as a first-rate power or as a world culture since the seventeenth century, that fact is not connected by clear causal lines either to the reading of romances or to the exploits of the "Knight of the Mournful Countenance."

The fear and fate of romance reinforces our conviction that the opportunities and functions of the creative artist deserve serious attention; that good reading habits and a widespread taste for good books can be cultivated; and that the banning of books has primarily bad effects. Censorship should be avoided if possible. If pressure and the plausibility of unsound arguments make avoidance impossible, then it should be kept within limits by carefully drafted laws and alert use of procedures provided by law. To return to our example, it is worth adding, finally, that with the passage of the centuries and the receding of the flood of romances, it has become difficult to understand the alarm they caused; most of them are dull and mannered, while a few have a moving beauty and distinction; the manners they depict seem unlikely to corrupt readers

except by hypnosis produced by large doses; the vulgar words that have not entered current speech have become respectably obsolete; and the stories have been retold by poets and novelists without arousing fear, dismay, or profound melancholy.

Like those who urge censorship by using the second argument based on emotions and actions induced by reading, we too believe that not all books are worth reading. Our objection to the applications of the argument of the censorial is that it reduces problems of morality to an extremely narrow range of sex and criminal violence. The criteria employed in censorship extend far beyond that range to include much that is sound information or good literature. Moreover, they are unrealistic and ineffective even within that range. Sex and crime are only parts of the problems of morality and social action, and they are checked effectively only by supervening values in the individual and by accepted judgments of behavior in the society. The portrayal of emotions and actions has aesthetic effects which, as the ancients recognized, are cathartic of emotions and purge impulses to action. However, when the moral effects of literature are limited to questions of sex and violence, the relevant qualities of a work come to be assessed exclusively in words and themes. We see no valid reason to hold that words commonly heard in a variety of situations are shocking in print, or that behavior which creates moral and social problems is better passed over in silence. The shock of the expression or presentation is due partly to the discrepancy between professed standards and actual behavior, similar to that which made adultery a profitable field for informers in ancient Rome, partly to the existence of real problems which ought to be faced and talked about. The book itself has qualities for



which it is read and by which it should be judged. We have argued that the causal line which should be considered is that which relates the reader's interest to those qualities, that reading interests can be improved and the reader turned to better books by education, the availability of better books, and changed social sanctions. We are dubious about the causal line which allegedly leads from bad books to immorality; we doubt whether the suppression of bad books is possible or, if it were, whether it would have a noticeable effect in lessening immorality; we are convinced, finally, that bad books cannot be recognized by semantic tests of dirty words or topical lists of shocking themes, and that the judicial device of considering these traits only in the context of the work as a whole affords a minimum though shaky corrective.

The third argument, based on judgment of the author rather than his work, is more frequently used than stated. The better moral and legal judgment that a man is known by his works is reversed in the suppression of the work—without examination, or even with the acknowledgment that this particular work is unexceptionable—because of opinions or actions attributed to the man. Yet the latter principle has been employed in the removal of books from the United States Information Agency libraries, in legislation and regulations governing adoption of text books, and in campaigns concerning the acquisition and labelling of books by libraries. It is the governing principle of the blacklisting of authors and performers on radio and television; and it could be extended to the press. The freedom of the press is firmly established, but the editors of a great New York newspaper were convinced that Congressional investigation of alleged communist infiltration of its staff was prompted by its editorial stand against McCarthyism

and segregation in the schools. Books are peculiarly vulnerable because of the large sales of books to governmental agencies. One might argue that there is little likelihood of preventive censorship in the United States, since opposition to it is traditional and based on law, but in the large circle that arguments for censorship make, much the same effect as preventive censorship might be achieved by the incidence of judgment on authors.

To sum up, the incidence of judgment of a book is on its consequences, its content, or its author: the effects of the book, the book, or the originator of the book. We have argued that, in the large context of problems of freedom to read, only the book itself is important, since a free public responds to the qualities it possesses; and an author is known, *qua* author, by his book. In the narrower limits of problems of censorship we have come to three separate conclusions: we have recommended empirical studies of the consequences of reading and of censorship, and of the causes of good reading habits; we have recommended legal and professional protection in judgments pronounced on books; and we assume that professional procedures in selecting books will provide protection against the tendency to judge books by views attributed to their authors.

### 3. The mechanisms of censorship

The incidence of censorship has changed as the applications of arguments for censorship have been changed by developments in the media of communication. The effectiveness of censorship has varied with changes in the mechanisms of legal and extra-legal action available to put the arguments into practical application. The mechanisms of preventive censorship are relatively simple—the estab-

lishment of a governmental monopoly to produce or a governmental agency to license. The mechanisms of censorship in the broad sense are more complex—they not only provide a large place for private and even extra-legal initiative and action to limit or cut off distribution, but also multiply the agencies, the devices, the pressures, the points of application, and the motivations of censorship.

The mechanisms of censorship in ancient Greece were the forms of public prosecution, *graphai*, particularly prosecutions for immorality, treason, and impiety. There were no special mechanisms for censoring communications. In ancient Rome, likewise, there was no separate procedure to pass on communications or documents as distinct from actions or verbal statements, but the censors provided a mechanism for the state control of conduct. The office of censor was established in 443 B. C., and it continued as one of the higher magistracies throughout the Republic. The only limitations on the powers of the censors were the restriction of tenure to a year and a half, and the restraint imposed on each censor by the fact that no act of his was valid without the assent of his colleague. The powers of the censors included the right of exclusion from public functions on moral grounds, which was known as the *regimen morum*. Disabilities inflicted by one pair of censors might be removed by their successors. After the establishment of the Empire, the emperor exercised censorial functions, but only three emperors assumed the title of censor and the office lapsed. With the coming of Christianity, the Church assumed jurisdiction over matters pertaining to the salvation of souls and the purity of faith. Ecclesiastical "censure" was visited on errors, and definitions and declarations bearing on matters of faith and morals depended as much on the enumeration of errors as on the

elaboration of truths.\*\* The Church has claimed the power of censure as its own prerogative (indeed one of the "errors" of Marsilius of Padua and John of Jandum, anathematized in 1327, was the doctrine that the Church had the power of coercive punishment only if conceded by the Emperor\*\*\*), but during the Middle Ages and in countries predominantly Catholic the judgments were supported by secular actions and extended beyond membership in the Church. The rules and prohibitions of the *Index* are interpreted to apply only to members of the Church, but circumstances have often permitted their wider extension, and there is a natural tendency to seek support for censorship on moral grounds in principles that are broader than the tenets of any one religion. Since the invention of printing there have been ecclesiastical and secular systems of licensing publication of particular books.

The mechanisms of censorship employed in the United States have been developed on these foundations; they bear the marks, sometimes partly concealed, of this earlier history. There has not been an official agency for the licensing of books since the establishment of the United States, and it may therefore be said that there has never been preventive censorship in a strict sense. Mechanisms of censorship have been developed, however, by each of the branches of the federal government as well as by state and local officials, many of which approximate closely to preventive censorship. These are supplemented and reinforced by mechanisms set in operation by private groups, or even by individuals acting in the name of rather nebulous groups.

The mechanisms of *judicial* procedure operate in the

\*\*Cf. the numerous lists of "errors" in Henricus Denzinger, *Enchiridion Symbolorum Definitionum et Declarationum de Rebus Fidei et Morum*, 29th ed., Friburgi Brisgoviae, Herder & Co., 1954 (1st ed., 1854).

\*\*\**Ibid.* par. 499.



interpretation and application of statutes. Since their operation includes the possibility of raising questions concerning the constitutionality of the statute, they have the effect of preserving the distinction between prior restraint on publication and posterior judgment for violation of law or for civil damages. Actions have been brought under four main heads: obscenity, crime and violence, sedition, and libel. The Federal government has statutes making it a criminal offense to deposit obscene matter in the mails, to ship it by common carrier in interstate commerce, or to convey it by private carrier across the state lines. Every state, except New Mexico, has statutes making the sale of obscene matter a criminal offense. Many states have recently passed statutes, aimed at comic books, making illegal the sale of materials depicting crime and violence. Thirty-one states penalize seditious writing, defined in a variety of ways. Laws covering libellous and other damaging statements are applicable to books.

An increasing number of censorship mechanisms have been set up in the *executive* branch of the government. The oldest of these is postal censorship. It is based on the power of the Postmaster General to exclude from the mail, or to deny preferential mail rates to, publications that contain matter forbidden by certain federal statutes. In 1835 an effort to pass a law forbidding federal postmasters from distributing abolitionist publications failed; but southern postmasters did not distribute those publications, and during the Civil War a Congressional committee upheld the Postmaster General's power to bar them. In 1868 lottery information was forbidden the mails; in 1873 the "Comstock law" against obscene matter and contraceptive information was passed; still later, matter furthering frauds or the sale of alcoholic liquors or advocating criminal

anarchy was added to the list. Further specifications were added during the First World War in the Espionage Act of 1917 and the Sedition Act of 1918. The courts have held that these statutes do not limit freedom of the press, and they have usually denied review of these bans, holding that they are legitimate exercises of an executive function. It is further held that the post office avoids assuming the function of a censor by refusing to define objectionable matter in advance. The Post Office Department has also sought to ban magazines from the second-class mail, not on the grounds that they were so obscene as to be unmailable, but that they lacked educational, informational, or literary character to justify government subsidy of their distribution. Arbitrary barring from second-class mails was prohibited by the courts in the *Esquire* case.

The Attorney General has held that the government's authority to bar from the mails material of a political character issued by an agency of a foreign government, unless it is in compliance with the Foreign Agents Registration Act, applies to material originating outside the United States. Since foreign governments and publishers do not comply with the Act, this interpretation gives a blanket authority to exclude. Customs authorities may prevent the importation of obscene matter and material advocating anarchism; the Commerce Department has power to prohibit the export of publications; the government has the authority to prohibit the publication of classified information. In some fields of science, like atomic physics, that authority may be exercised by agencies like the Atomic Energy Commission to prohibit publication of speculations and findings by private scientists who have had no access to restricted information.

Arguments for censorship occasionally rest on analogies

to two types of regulation exercised by the government. The Food and Drug Act not only controls the sale of habit-forming drugs; it puts a prior restraint on statements that misrepresent to a potential buyer the character of the products sold. It is often argued that the effects of obscenity on the mind and character are comparable to the effects of drugs on the body, and that obscenity should be subject to the same controls as drugs; and it is sometimes argued or ruled that advertisements should be controlled when the materials are not as obscene as they are represented. In much the same fashion, the Smith Act and similar acts to regulate communism push the analogy of the prohibition of utterances which are essential components of an unlawful act—such as giving a false fire alarm—to the point where they tend to obliterate the distinction between a statement viewed independently as a communication and a series of acts contributing to the overthrow of the government.

The normal operation of the *legislative* branch of government is the preparation and adoption of laws. It has authority to investigate all matters bearing on prospective legislation. In recent years Congressional committees have conducted investigations whose bearing on legislation has been tenuous. They have concentrated in many instances on agencies of communication—the theatre, mass media, the church, education, and newspapers. Investigations by such committees have had direct effects on the policies of governmental agencies which purchase books, such as the U.S. Information Agency, and indirect effects on agitation concerning library practices and textbook adoptions. They have probably affected the publication and certainly the sale of books.

Government engages in positive as well as negative activities which determine the availability of books. In its

various manifestations—Federal, state and local—it is an enormous purchaser of books, through the public schools, the public libraries, the school libraries, post exchanges, and United States Information Agency libraries. The requirements and limitations of these markets are often taken into account by publishers. In some fields, such as textbooks, a small part of the market may determine what is available to readers who do not share the presuppositions to which publication is adjusted: e.g., Mississippi's views on segregation may determine what Maine can read.

Pressure on these agencies is one of the most effective channels for the activity of private groups intent on censorship. The mechanisms of private action and pressure are conditioned by the operation of these official mechanisms. They have therefore differed from the forms of pressure employed on motion pictures, radio and press, and their objectives have not been the publishers and distributors of books, for the most part, but public bodies and the employment of state authority. In addition to the overt use of the censorship power lodged in government, there has been covert use of public authority through general harassment, police pressures, and pressures on school and library boards.

Private groups have also resorted to direct action by boycott and other forms of economic pressure. The mechanisms of selection employed in these campaigns are general in definition—directed primarily against obscenity, violence, and sedition—sporadic in application, and simple in criteria.

They sometimes take the form of attacks in publications which profess to be concerned with the dangers of communism or internationalism, either in general or specifically in education; the attacks are usually on authors or organizations. They sometimes take the form of lists of books which contain passages described as objectionable, usually pre-



pared by church-affiliated groups. A comprehensive survey of the output of printing presses is no longer practicable; even the Congregation of the *Index* abandoned the effort a long time ago, and had recourse to the publication of general rules, which particular prohibitions only supplement. The National Office for Decent Literature has circulated a list of books, prepared by the Chicago Archdiocesan Council of Catholic Women as a guide to Catholic parents and youth, which has also been applied by some commanders of military installations to limit sale of books in post exchanges. More recently the NODL reports that it has based its lists on the judgment of readers of various faiths—since the concern has been with the influence on youth, the lists have been limited to magazines, comics and paper-bound books, and the criteria have been “objectionable” passages and language. Since paper-bound books are usually distributed by only one or two agencies in a city, they are easily controlled by covert measures of police harassment—distributors are usually willing to refrain from distributing titles to which the police object; they are usually dependent on police tolerance of brief violations of parking regulations while publications are being unloaded, and news dealers are dependent on municipal authorities for licenses to operate sidewalk stands. An additional reason for pressure against particular publications is alleged defamation of racial or religious minorities.

Different mechanisms of censorship are utilized for hard-cover books, paper-bound books, and textbooks.

Censorship of hard-cover books still follows classical lines for the most part—prohibition in a particular locality without prejudice, and often with benefit, to sales elsewhere. Publishers still have recourse to judicial process and possible redress. However, it is increasingly true that pub-

lication of hard-cover books depends on sales to public agencies, like libraries, and looks to possible reissue in paper-bound format.

Censorship of paper-bound books conforms more nearly to the practices of censorship of magazines, since they are distributed by the same agency; it is more drastic and redress is more difficult, for the reasons mentioned above.

Textbooks, finally, are expensive to produce, and depend on adoption by school boards. There is less disposition among publishers to resist pressure; on the contrary, there is a tendency to conform to the demands of particular boards, and so to limit what is available to other schools in other parts of the country. The impulse to self-censorship approximates that of the media of mass communications.

The mechanisms of censorship are mechanisms of action and of judgment. The relations of action and judgment which we have reviewed present problems of three kinds.

First, in problems of governmental censorship, the application of statutes may be subject to review in the courts. But much administrative censorship is not now subject to judicial review; and the censorship of legislative committees is without limitations of statute or protection of judicial procedure.

Second, in problems of governmental purchase of books, the judgment should bear on the specific purposes for which the books are purchased; it should be the function of those competent in education, library policy, information service, etc. The dangers of censorship come from the intrusion of political, economic, and other pressures. Here we find problems of the centralization and dispersion of powers: a short answer to these problems would urge centralized policies to maintain standards and to resist local pressures, but with provision for local diversification.

Third, in problems of private pressures for restrictions, the judgment bears on alleged effects. The action is designed either to stimulate official activity, frequently by the use of powers that have no direct bearing on communication, or to stimulate self-regulation. The dangers of police censorship are obvious; we are convinced that the dangers of a code of self-censorship are even greater. It would provide the means by which all kinds of restrictions could be put on the freedom of expression; and it would place the freedom to read in the hands of a group which does not have even the accountability to the public which a chief of police has.

#### 4. General conclusions

We have set forth in some detail the problems and the lines of analysis that should enter into a reformulation of the question of censorship. We have found it necessary to examine the problems and the distinctions suggested in this reformulation in the course of inquiring into what ought to be known and ought to be done about censorship. We have therefore offered this sketch of restatement as a preface to our recommendations for inquiry and for action, in order to relate the problems of censorship to their grounds in the larger problems of freedom. The reformulation which we have sketched can, we hope, be used as a source of distinctions and arguments for specific programs of inquiry and action. We believe that to treat these larger problems positively will stimulate more widespread interest in the general problems of freedom and the specific problem of the freedom to read.

These larger problems we have considered beyond our assignment, except as they are reflected in the narrower field of problems of censorship, and we make no recom-

mendations concerning the reformulation of the general problems of freedom (except one for the republication of some of the classical statements of freedom of expression). We have thought the reformulation useful in treating three lines of distinctions which follow from it. These distinctions may be helpful in explaining and orienting the programs we recommend.

#### *4.1 The reconciliation of positions*

The discussion of censorship brings into radical opposition positions which can be traced back to radically opposed basic conceptions and principles. When the opposed positions are set forth in formal and logical deduction, there is little hope of reconciling either the arguments or their partisans: unguided freedom is license; controlled freedom is a misuse of words and a step toward authoritarianism. We have confidence in logic, but we are suspicious of sophistic applications. We have distinguished philosophical, political, and legal arguments bearing on censorship, in order to separate three stages of argument: (1) every man has a "philosophy" or conception of freedom, (2) a "free" community cannot prejudge the nature of freedom and must, therefore, provide for the coexistence of a variety of well-grounded conceptions of freedom, and (3) these conceptions of freedom, if well-grounded, should give rise to mutually consistent or identical programs of action for solving specific problems. How this can be done is a problem of the philosophy of democracy, and the formulation of such a philosophy is one of the needs in the region of the larger problems of freedom. The application to censorship, however, is less complicated.

The arguments that have been used in support of censorship in the long history of its discussion reduce to four:



control of error, irreligion, sedition, and immorality. Two of these have had no place in the discussion of censorship in the United States since the adoption of the Bill of Rights: we Americans, while not wishing to promote intellectual or religious error, have a well-tested conviction that truth is not advanced, either in knowledge or in faith, by antecedent promulgation. Therefore we tolerate the convictions of others, and do not tolerate state interference in matters of knowledge or faith. It seems plausible that people with different conceptions of freedom might come to a like agreement that state prohibitions will not advance the control of subversive doctrines or the decrease of immorality. Some doctrines and some uses of doctrines may indeed be subversive; but the dangers inherent in the political regulation of doctrines are apparent in the facility with which any disapproved position is labelled subversive, including the platform of the opposing party or the policy of the preceding administration. Similarly, the problems of immorality are affected by communication; but to seek their causes in books is to substitute the sense of shock occasioned by the sight of words or themes in print for the serious consideration of causes. Such a substitution can only deform the problems of morality and motivation. It should be possible to come to agreement, without compromising divergent principles of freedom, on the view that the negative regulations of state interference do not promote truth, religion, patriotism, or morality.

#### 4.2 *The definition of the objects regulated*

The reconciliation of positions is of fundamental importance; but it is a continuing process. It is never completed, since the object is not unanimity or agreement in belief or principle. But it cannot advance if suspicion and fear preclude the possibility of discussion. Even such

reconciliation as we have sketched, however, would not resolve the problems of censorship in the broad sense of restrictions on the distribution of books. It would sharpen the distinction between the book as communication and the book as action or stimulus to action. Books would still be affected by many laws regulating the publication of materials that are obscene, seditious, libellous, or that promote anarchy or criminal syndicalism. In the broader region of problems of freedom, we would hope that education, the availability and attractions of good books, and changing social sanctions might focus attention on the entire *contents* of books; but in the narrower region of problems of censorship the focus should be on their *consequences*. To treat consequences intelligently, we need more empirical information, better statutes, and more widely available advice concerning the law and legal processes.

### 4.3 *The operation of agencies and groups*

We have distinguished three varieties of actions bearing on censorship: governmental prohibitions of books; governmental purchases and other activities promoting the production of books; and non-governmental pressure and agitation.

Access to judicial review provides protection against misuse of governmental censorship. Other studies are in process concerning governmental censorship which falls outside such review or is subject to it only sporadically, such as censorship by postal and customs officials and by congressional committees. We have therefore confined our recommendations to the drafting of statutes and the preparation of legal assistance.

Professional standards, and protection from pressures contrary to public interest, are needed to prevent the purchase of books with public funds from becoming a kind of censor-

ship. We have been favorably impressed by certain measures taken to meet the problem of censorship in public libraries, like the adoption of the Library Bill of Rights and the Westchester Statement on the Freedom to Read. Purchases for public and school libraries and adoption of textbooks, however, appear to be seriously vulnerable to pressures in many regions.

The pressure of private groups, finally, brings us once more into the region of the larger problems of freedom. The American people should be better informed and more alert concerning the dangers which threaten their rights and freedom. Information and vigilance are indispensable means by which to counteract the activities of groups intent on control and assiduous in the propaganda of misinformation and fear. A program to counteract such activities cannot be successful if it is purely defensive. It can take a positive direction by seeking to cultivate and to protect common values, so that awareness of the contribution of creative thinkers and artists to our way of life will supplant the current suspicion of eggheads and culture vultures. The negative agitation of private groups against forms of expression, however, is ineffective in achieving the purposes they profess. It is, indeed, dangerous to those purposes, and particularly dangerous when it leads to the covert use of police power. Governmental and private pressures, finally, sometimes lead to recommendations of self-censorship as an alternative to legislation. We are persuaded by the example of self-censorship in other media of communications that this is a paralyzing form of censorship and one which, if applied to publishing, would go far to restrict and negate the freedom of expression.

## **Some needed knowledge**

**THERE** IS an evident scarcity of objective information about the several phases of restraints upon the freedom to read and only infrequent recognition, among those engaged in censorial activities, of the need for such information. It cannot be assumed, of course, that possession of further facts will solve the problem. Facts do not legislate matters of taste, nor do they dictate public policy governing the freedom to read. But pertinent knowledge can be taken into account in the formation of public policy.

At the outset, we assumed that research should be centered upon testing the truth of the premises commonly stated for censoring a particular book or class of books. Those who would ban books argue that particular books make for juvenile delinquency or crime, induce violence and sadism, corrupt taste, promote sexual perversion, distort human values, subvert political loyalties, provoke disrespect for the law, produce demeaning stereotypes of groups and, in general, make sin even more attractive than it ordinarily is. When evidence is put forward in support of these claims, it is at best thin and questionable; more characteristically, it is entirely absent. This naturally leads one to ask, is all this really so? To raise the question is to call



for objective studies of the psychological and social effects of various types of books upon the attitudes, values and behavior of their readers.

As our deliberations continued, however, we came progressively to the conclusion that two other classes of research are perhaps more important for understanding restraints upon the freedom to read. For, as we have seen in the preceding section, censorship is only the most conspicuous form of restraint; it must be viewed in a broader context of other forces which greatly affect the availability, accessibility and actual reading of books. This is a very large field, detailed consideration of which would take us beyond our terms of reference. However, it would be profitable to undertake inquiries into matters related to the larger problem of the reading of books. One such inquiry would study the question of how tastes and standards of taste in reading are formed. This question is easy to raise and remarkably difficult to answer. But if, as antecedent inquiry suggests, the taste for books of widely acknowledged inferior grade may be formed early in life, then this becomes a particularly strategic subject for investigation. Those who uneasily confess that the existence of "trashy books" leads them reluctantly to the view that the supply should be cut off, might be led, by such research, to consider that the point of major leverage may rather be in the formation of tastes which would leave such books unread. The other related inquiry would study the question of how the economics and technology of the various media of communication affect their contribution to the free flow of information.

A third, and perhaps major, class of studies deals with the sociology of censorship itself. These studies would aim to provide a better understanding of the sources, operation,

and social consequences of censorial restraints upon the freedom to read. Much is known about recent attempts to impede the distribution and circulation of books in various communities. These episodes of censorship have attracted widespread interest and, in differing degree, have enlisted the support of civic groups concerned to hold intact the freedom to read. However, little enough is known about the extent to which other, less publicly visible, restraints have been imposed; or how occasional outbreaks of censorial activity have affected the social life of the community and, in particular, the attitudes and behavior of those engaged in the writing, publishing and distribution of books. Accordingly, this third class of studies would be designed to find the extent to which climates of apprehension, where these are found to exist, have produced self-censorship in anticipation of the demands expected from censorial groups.

Although all three types of studies are needed, the second, on the formation of taste, and the third, on the sociology of censorship, require more attention than we had originally supposed. There are several bases for this shift of emphasis. For one thing, it appears that the reasons invoked by would-be censors need not be the actual causes of their activities. In the event that objective research were to find, for example, that books depicting crime and criminals in a "favorable" light did not in fact induce criminal behavior among their readers, it is unlikely that those seeking to ban publication of such books would thereupon halt their efforts. On numerous occasions, would-be censors have designated particular books as objectionable, all apart from their alleged effects upon readers. Similarly, if research were to find that certain types of unstable adolescents had their aggressions canalized into

anti-social behavior by what they read in a book, this finding in itself need not, of course, be taken as a mandate for removing the book from the market. Appropriate empirical inquiry would be designed to uncover the numerous conditions which make for the vulnerability of such adolescents. The problem of delinquency would be seen, not as resulting from the one factor upon which attention happened to center, but as deriving from a wider complex of formative experiences and relations, little influenced, if at all, by the reading of books. In either event, the findings of research on the effects of reading particular classes of books would not, presumably, be controlling upon those advocating censorship or upon those opposing it.

We can assume, moreover, that a greater or less potential for censorship will continue in the United States, as elsewhere. New ideas will continue to be expressed in books; and will continue to disturb those who hold opposed ideas. Taste and sensibility will presumably change in the future as they have in the past; but they will not change with neat uniformity among all parts of the population. International and domestic pressures will subject Americans to varying stresses and strains; these will no doubt be reflected in efforts to curb the distribution of books expressing "dangerous thoughts." It is and will continue to be a basic problem of public policy to keep these potentials for censorship from cumulating until they reach the point where the institutions safeguarding the freedom to read are themselves threatened.

For these reasons, we believe that there is a distinct need for studies focused on censorship as a social phenomenon. These should be designed to identify the social forces and group alignments making for greater or less infringement upon the freedom to read. So far as possible, they should

search out the effects of actual or attempted censorship upon those who write, publish, distribute and read books. They should, in short, provide a basis for assessing the social and cultural costs of censorship.

Needed research thus divides into three broad classes: (1) studies of the effects of books upon the personality and behavior of readers; (2) studies in the social psychology and economics of reading; and (3) studies of the social patterns of attempted and actual restraints upon freedom to read, with particular reference to the social consequences of censorship.

## 1. Studies of the psychological effects of reading various types of books

There is little methodical and objective knowledge of the psychological effects upon those variously exposed to the six major media of mass communication: books, magazines, movies, newspapers, radio and television. Among all these, however, it appears that least is known about the effects of book-reading. For more than a generation, advertisers have subsidized studies of the impact of advertisements, as well as of the editorial, news and story content of magazines and newspapers. For much the same reasons of commercial policy, many inquiries have been conducted into the influence of various types of radio programs upon the attitudes and information of listeners to them. From the time of the Payne Fund studies to the present, there have been occasional, though not numerous, studies of the effects of motion pictures and, more recently, of its domestic counterpart, television. But intensive studies of the psychological effects of books upon their readers are almost entirely absent, except for a few studies of the reading of comic books by children.



In large part, this conspicuous absence of research on the effects of books results from the practical difficulties of developing suitable methods for assessing the psychological effects of the typically prolonged and intermittent experience of reading a book. The responses of experimental groups who have listened to a radio program or watched a movie can be and have been systematically identified through the appropriate use of interviews and supplementary procedures. It is far more difficult to conduct informative interviews on the complex experience of reading one or more books. Nevertheless, comparable and reasonably adequate methods have been adapted for use in connection with printed materials. Although the results obtained through such interviews are not rigorous, they are considerably more definite and substantial than the conjectures concerning the effects of books which now serve in place of any systematic evidence.

On the basis of these considerations, we believe that the following inquiries could now be usefully undertaken.

### 1.1 *Codification of existing knowledge about the psychological effects of reading books*

An important basis for a program of inquiry would be provided by the preparation of a comprehensive document which systematically brought together, from the fields of psychology, social psychology and sociology, the available knowledge about the effects of the reading of books upon attitudes, values and behavior. As we have noted, the literature dealing directly with the effects of book-reading is sparse; but it can be instructively supplemented by inclusion of collateral materials dealing with the effects of exposure to the other mass media.

A detailed and critical codification of objective findings

in this field would serve several immediate purposes. It would make clear and available what many suspect but have no convenient and authoritative source for authenticating: objective knowledge of the demonstrable effects of reading certain classes of books is so severely limited that most claims of particular effects must be little more than unsupported opinion. A systematic compilation of this kind, carefully appraising the scientific evidence on hand, could be made available to opinion-leaders in the general public. It would also serve to alert social scientists to the kinds of further research needed in this field. And finally, it could be utilized by the courts and other public agencies concerned with judging the claims of censorship.

Censors, supported by some courts, have held, for example, that a book can be judged in terms of isolated passages rather than in its entirety. This position receives no support from the studies reported by Asch\* (which would presumably be included in the compilation) demonstrating that the meaning people assign to statements is largely determined by the context. This suggests that the practice of isolating "offensive language" from its context does not correspond to the actual run of experience of readers.

Several earlier documents have laid some of the groundwork for this codification. The first of these,\*\* based upon the limited technical literature on the social consequences of reading which was available some fifteen years ago, has the distinctive merit of working out, in some detail, the logic of research procedures for further systematic inquiry.

\*S. E. Asch, "The doctrine of suggestion, prestige and imitation in social psychology," *Psychological Review*, 1948, 55, 250-276.

\*\*Douglas Waples, Bernard Berelson and Franklyn R. Bradshaw, *What Reading Does to People*, University of Chicago Press, 1940.

The second,\* a report of the Public Library Inquiry, contains much pertinent material which can be drawn upon, although it is not addressed specifically to the premises ordinarily invoked for censorship. The third,\*\* which does focus on these issues, advisedly did not reach out to cover the full range of social and psychological studies of the effects of the mass media.

Psychologists, social psychologists and sociologists, working in collaboration, could prepare a comprehensive and systematic handbook of the theories and substantive research findings on the effects of the various mass media in general and of books in particular.

### 1.2 *Experimental studies of responses to censored books*

At least one class of studies of the psychological effects of books could be usefully begun, even before completion of the handbook with its inventory of needed research. These studies would be designed to test the assumptions of censors about the characteristic responses of readers to the books the censors would have banned. Since censors ordinarily *assume* characteristic responses to the books they would ban, it would be instructive to try, for the first time, to learn whether readers of these books do in fact perceive the content of the book in the fashion which the censors claim. For example, does reading Marx make men want to overthrow the government of the United States?

\*Joseph T. Klapper, *The Effects of the Mass Media: A Report to the Director of the Public Library Inquiry*. Columbia University, Bureau of Applied Social Research, October 1950.

\*\*Marie Jahoda, et al., *The Impact of Literature: A Psychological Discussion of Some Assumptions in the Censorship Debate*. Prepared for the American Book Publishers Council. New York University, Research Center for Human Relations, March 1954.

The research would include control-studies of responses to other books which no one has suggested as pornographic, or subversive, or otherwise deleterious. They would test the hypothesis, which suggests itself after review of pertinent psychological experiments by Murray, Maccoby and Brodbeck, that readers who do perceive pornography in these allegedly objectionable books also search out much the same meanings and implications in seemingly innocuous books. From all indications, the studies may well find such self-selective and motivated tendencies for perception among those readers who are at all vulnerable to books as stimulants to anti-social attitudes and behavior. To provide a thoroughly antiseptic environment for such people would require measures to exclude them from the world of books altogether, a step which has yet to be advocated by any contemporary censor.

## 2. Studies in the social psychology and economics of reading

A pair of proposed studies is related to the larger problem of the freedom to read: not censorship, but the actual availability and reading of a variety of books.

### 2.1 *Studies of the formation of patterns of reading and of taste*

One of the few conclusions of research on the mass media of communication which has been repeatedly confirmed is that people tend to read, see and hear primarily what is in accord with their previous interests and sentiments. This process of self-selection, as it is called, goes far toward controlling not only the selection of what is read but presumably the effects of what has been read.



This directs attention at once to the need for learning much more than the little now known about the ways in which these interests and tastes are formed, for it is these which, through self-selection, go far toward determining whether books are read at all, what kinds of books are read, and what is derived from the books which are read. It is understandable that no substantial inquiry has been conducted on this question of the formation of taste, for this would require long-term study. Yet it is widely recognized that a continuing study is needed if there is to be a sound basis for assessing the consequences of the reading of books, as of exposure to the other mass media.

The study would involve periodic interviews and the keeping of systematic records concerning the leisure time activities, work in school, family relationships, and so on, among samples of children of differing ages, over a span of years. We do not here work out in detail the undoubted complexity of such a study; this has been developed in a parallel plan for research on the role of television in the development of children.\* Such a long-term study of the formation of reading-patterns and tastes would have major significance in providing a sound basis for identifying both the sources and the consequences of various patterns of reading, and of related patterns of exposure to the other mass media.

## 2.2 *Studies of the economics of freedom*

We have been impressed with the close relationship which the economic characteristics of book publishing and distribution and of the other media bear both to their vul-

\*The Citizens' Group on Television, *Plans for a Television Development Center*. The feasibility of this kind of longitudinal study is shown by numerous precedents—notably by Terman's study of children of genius.

nerability to censorship pressures and to their capacity freely to communicate a wide diversity of ideas. The more frequent censorship of paper-bound than of hard-cover editions of the same books is doubtless due principally to the fact that the paper-bound editions come more frequently to the attention of censors. It is also in part due to the fact that the economics of distribution of paper-bounds involves bottlenecks or "pressure points" on which police or private group pressure can be effectively brought to bear, while the diversity of methods of distributing hard-cover books leaves no such vulnerable point. Similarly, the presence of industry codes for films and broadcasting, and their absence in the print media, reflects not only a difference in attitude but also a difference in the economic and technologic factors that determine the number and independence of entrepreneurs in these various media.

Questions of technology and economics also affect the size of audience which an idea requires before it can be admitted to channels of national circulation, and hence to what degree new or minority views can gain a hearing.

Whether a man in fact is free to read different points of view on foreign policy or labor problems will probably depend more on whether there is a good library or a good bookstore in his town, and whether there is more than one newspaper, than on any deliberate censorship.

Analysis of these problems, we suspect, may suggest that recent technological developments in communication, which involve heavy capital costs and a large initial expense, may contain a certain built-in bias in favor of the familiar and established, both in art and in political and economic views. For it would appear that access to the new media, such as television, which reach the largest audiences with the most persuasive impact, is most difficult except for speakers or

performers or groups or cultural forms that already have a dependable following.

If these assumptions are sound, the freedom to read—and freedom of communication generally—may be more deeply affected by governmental acts affecting the economy and technology of the various media than by acts attempting to abridge or enlarge that freedom. For example, the propensity of Americans, as contrasted to the British, to read magazines rather than books, with all its social implications, may have been greatly affected by the second-class postal act of 1879, the character of nineteenth century copyright legislation, and the treatment of advertising matter under the postal rates. A government which adopts a policy of enlarging the freedom of communication will need to give thought to the consequences of its acts in many peripheral fields.

It would therefore be useful to have a study of the economic structure of the various media in relation to the freedom of communication, and of the consequences for freedom of communication of governmental policies affecting the economics of the various media.

### 3. Studies in the sociology of censorship

The studies considered thus far focus on the premises of those who advocate and those who oppose censorship; they have to do with the alleged effects of books which have been read. The final sets of proposed studies has to do with those individuals and groups who would keep certain books from being read at all, and the consequences of their efforts upon the community and particularly upon those engaged in the distribution of books.

### 3.1 *The social bases of support for censorship*

It has often been remarked, and our preliminary inquiry bears out this general impression, that those actively involved in trying to impose restraints upon the freedom to read comprise relatively small though highly vocal groups. It would be useful, we believe, to conduct a study of censorship groups, of those who want to guard their neighbors from reading what they, the censors, think it best not to read. What is the social composition of these groups? Who are most deeply engaged in these activities, what are their motivations, the nature of their organization, the bases of their support, their capacity to maintain organizations devoted to censorship? Under which conditions have these censorial groups fallen into decline or disappeared altogether?

### 3.2 *Case-studies of community efforts to withstand censorial demands*

Apart from federal censorship by the post office and customs administration, most censorship of books occurs in the local community. Books which are privately or officially banned in a few communities continue to be available elsewhere. This well-known fact implies either that different standards of taste obtain in various communities or that there are local groups, in some communities and not in others, bent on enforcing their own criteria of books which are fit to be read. Much remains to be learned about the sources of these marked differences among American communities in the extent of agitation for censorship and of reactions to it.

There is at hand a partial record of successful and unsuccessful defenses against such assaults upon the freedom to make certain books available in the local community.



This record is, however, inadequate as a guide for other communities which may be faced with similar crises. The record could be rounded out by intensive and systematic studies of a small number of communities in which attempts to censor books have been defeated, as well as others in which censorship has been imposed. Which types of community are most vulnerable to censorship? What measures proved effective in counteracting censorship? Which groups in the community were activated and organized to maintain the freedom to read? What countervailing power could be drawn upon to defeat the censorship campaign, and how was this brought about?

Systematic studies of such experience could provide a catalogue of community resources in time of crisis which would help guide inexperienced people who might be suddenly confronted with the need for coping with censorship in their own community. Such a handbook, prepared on the basis of comparative studies, would help orient and guide community groups who would otherwise have to improvise appropriate lines of action.

### 3.3 *Study of effect of pressures on librarians*

The librarian is a major target for those who would curb the freedom to read. Publicized attempts to censor the acquisition of books by public libraries have been relatively few, but there is reason to suppose that there are more pervasive though less dramatic pressures upon librarians which have not attracted public notice. It has been surmised by some that librarians increasingly seek to avoid public controversy by voluntarily curtailing the acquisition and circulation of particular kinds of books.

However, little is actually known of the extent to which a climate of fear does exist among librarians, or of its

distribution among various kinds of communities and types of libraries. Systematic and extensive study of this would serve several useful purposes. It would identify the nature and extent of current censorship pressures upon librarians and how these have changed; it would indicate the types of communities in which these pressures are variously present; it would find out how widely controversy is being avoided at the price of apprehensive conformity to the anticipated demands of censorial groups.

A study of the apprehensions of university professors is now being conducted by Professor Paul F. Lazarsfeld. A similar inquiry into the experiences and attitudes of librarians would be both feasible and valuable.\* It would be readily possible to develop a sizable sample of public and school libraries in the various regions of the country and in communities of differing size. Detailed interviews with librarians would provide the basic data on actual experiences and attitudes. The pattern for the study would require relatively little change from that developed for the study of university teachers; but, in the nature of the case, it would be more sharply focussed, since it could center on the effects of these pressures upon the selection and circulation of books.

The analysis of this extensive information would lend itself to identifying the sources of greatest stress for librarians, and the procedures which have proved effective in coping with local efforts at censorship. And, like the proposed case-studies of a small number of communities, this more extensive inquiry would provide the basis for a handbook for action, a guide which should be particularly useful for librarians, many of whom are vulnerable to censorship pressure because they are relatively isolated.

\*One such is currently under way, in California.

### 3.4 *Study of the effects of controversies upon authors and publishers of textbooks*

The major effects of public controversy over a book are not confined to the fate of the particular book under attack, or to the particular community in which it has been subjected to attack. The consequences of the controversy may ramify to affect the sale of the book elsewhere. This operates quite differently, of course, for trade books and textbooks. Trade books banned in one area often have increased sales in other areas. As we have suggested, it is quite otherwise with textbooks.

The banning of a particular textbook may also have effects upon the writing and publishing of other textbooks on the same subject. Censorship may create uneasiness and fear among authors and publishers, leading them to tailor textbooks to conform in advance to the criteria of censorial groups. In short, just as climates of apprehension may affect the book-selection practices of librarians, so they may affect the primary producers of future books. Although this hypothesis is frequently asserted, it remains largely a matter of conjecture. It is probably not practicable to undertake a comprehensive and rigorous study to test this impression, but it would be useful to have more limited case-studies. These would deal with the types of changes introduced into later editions of textbooks which have been attacked, as well as the treatment of content which has become controversial in later textbooks in the same field. Interviews with authors, editors and publishers would furnish a further basis for assessing the extent to which such self-regulation comes to operate.

## **Some immediate steps**

IN THE preceding sections we have sought to identify the factors that make for restraints upon the reading of books, to define some of the hypotheses that underlie the conclusions of those who favor one form or another of censorship, and to suggest ways of testing the validity of those hypotheses. It has been shown that the opportunity to read is restricted not merely by official or unofficial efforts to block access to books, but is limited even more by unavailability of reading matter and by disinclination to read what is available. We have indicated that the well-being of our society may be deeply influenced by the success of long-range efforts to curb censorship, coupled with a more affirmative program to encourage the production and effective distribution of books within a population educated to read them well.

Meanwhile, the pressures of the moment must not be ignored. Preventive medicine may be the basic safeguard of a community's health, but those who fall sick still need therapy. Similarly, attacks upon the fundamental problems of censorship and inadequate utilization of books do not obviate the need for immediate action. The following are among the steps that could be taken now.



## 1. The debatable validity of state and local censorship laws

The Supreme Court in the autumn of 1955 in *Holmby Productions, Inc. v. Vaughn et al.*, 350 U. S. 870, invalidated the Kansas Motion Picture Censorship Law insofar as it empowered the barring of films found to be "cruel, obscene, indecent or immoral, or such as tend to debase or corrupt morals." The Court wrote no opinion. Hence its decision may portend a flat holding either that all motion picture censorship is invalid as a prior restraint on publication or, more narrowly, that the quoted standards are too indefinite as standards of restraint, or, more narrowly still, that the Kansas law provided inadequate mechanisms of review. Each of these positions could have large implications for state and local censorship in general. If the first possibility be the explanation of the Court's ruling, there is strong reinforcement of the view that no prior restraint upon expression may be validly imposed by government. If the second, the many penal laws that prohibit the distribution and sale of "obscene" books have become of questionable validity. If the third, fresh attention must be directed to the procedures of censorship bodies and to the responsibilities of courts that may review their decisions. In any event, much might be gained if a memorandum of law could be prepared, suitable for incorporation in local counsel's briefs if censorial statutes or ordinances are sought to be applied in the future. In that connection, thought should be given to the possibility of initiating declaratory judgment or injunction proceedings in one or several states, raising the issues of statutory validity without awaiting the commencement of prosecutions by the public authorities.

## 2. The recasting of present statutes

Related to this possibility is the need for a thorough appraisal of existing statute laws on a state-by-state basis, not only to assess its present validity in light of recent decisions, but also to gauge whether judicious amendment can render the statutes at all serviceable in the public interest. Work contributing to such an appraisal is in progress in two quarters. The American Law Institute has sponsored the preparation of a model penal code by a group of criminal law experts under the direction of Professor Herbert Wechsler of Columbia Law School. Dean William B. Lockhart and Professor Robert C. McClure of the University of Minnesota Law School are engaged in an extended consideration of the law of obscenity. The American Law Institute and Lockhart-McClure studies could usefully be synthesized, in a manner that would make them immediately usable in particular states whose legislatures may become active in this field.

## 3. The evaluation of federal censorship through postal and customs administration

The Post Office Department has potentially vast powers to restrain circulation of printed matter. It has in the past exercised its powers in three ways:

- a. Exclusion of allegedly obscene matter from the mails;
- b. Withdrawal of second-class mailing privileges, thus imposing upon some publishers heavier economic burdens than are borne by others who continue to receive this public subsidy;
- c. Barring the distribution of material emanating from abroad, on the ground that it has not been issued in com-

pliance with the Foreign Agents Registration Act. This is done in collaboration with the Treasury Department's Bureau of Customs.\*

The work of the Post Office Department and the Customs in this field is now being intensively studied by the University of Pennsylvania Law School. For that reason, there is no need for the undertaking of further research at this time. We have the initial impression that the Post Office has at times exercised its discretionary powers unwisely, and that some of its repressive activities are unauthorized by present law. Because the Pennsylvania inquiry is in progress, however, we deem further discussion by us to be unnecessary.

#### 4. Appraisal of government's role as consumer or channel of books

Probably half of all hard-cover books sold in the United States are sold to or pursuant to adoption by federal, state, or local governmental agencies. Public libraries alone purchase \$20,000,000 worth of books a year, their circulation accounting for a high proportion of the books read by both children and adults. Public school spending for textbooks amounts to more than \$100,000,000 annually. The exercise of the necessary discretionary authority to decide what shall be purchased places an extraordinary degree of power over book publishing in governmental hands.

We do not suggest that public agencies are under a duty to buy indiscriminately. We sense, however, that in late years factors sometimes only tenuously related to the merits

\*The relationship between the postal and customs authorities has recently been described, and the legality of their actions analyzed, in "Government Exclusion of Foreign Political Propaganda," 68 *Harvard Law Review* 1393 (1955).

of a book have increasingly entered into the judgments of governmental book selectors. We find a need for intensive review of the standards that guide the selection and retention of textbooks; volumes for public, overseas, school, hospital, and service libraries; and books to be re-sold through post exchanges or otherwise.

Present procurement policies have been much criticized, though often no doubt unfairly and by misguided or ill-willed persons. Constructive steps toward improvement have already been taken by those directly involved. Many libraries, for example, have heeded the wise advice of the American Library Association that they formally adopt detailed statements of book acquisition standards; thus they have been prepared to meet local controversy before it has actually arisen. In the textbook field, all but two states have abandoned the outmoded system of "basal texts" (which means that all schools within a state must use a single approved book); they have instead issued multiple lists from which local authorities may select, or have entirely decentralized the authority to choose teaching materials. Moves like these are encouraging; but more remains to be achieved. We believe that a professional commission could fruitfully examine what is being done by all book procurement agencies, including the libraries, with a view toward eliminating unprofessional methods if they exist and toward formulating professional standards to which book buyers can point when unjustly criticized by ill-informed persons.

## 5. Limiting extra-legal pressures upon book publishing and distribution

We see no impropriety in any group's expressing an opinion concerning the merits or demerits of a book. In



recent years, however, there has been an alarming spread of the use of pressures to enforce upon a whole community the observance of the literary or moral judgments of a particular group.

These pressures have been made effective through threats of private boycotts, as well as through threats voiced by cooperative police or prosecuting officials. The latter sorts of threats are as objectionable as the former. Sometimes they are couched in terms of a direct warning that the vendor or distributor of a book may face prosecution because of transactions involving that book. Rather more frequently, they tend to exact acceptance of censorial judgments as a condition of escaping harassing enforcement of traffic regulations or other local laws.

Even if the policies thus indirectly effectuated were sounder than we think them to be, there would be reason for deep concern over the widespread disregard of legal processes that characterizes the imposition of censorial judgments about books and their authors. Lawless law enforcement may often be pursued with impunity because those to whom its force is applied fear to challenge it. Where courage has been mustered to seek redress in the courts, extra-legal pressures against books have been sternly rebuked, as occurred, for example, in *New American Library of World Literature v. Allen*, 114 F. Supp. 823 (N. D. Ohio, 1953), and in *Bantam Books v. Melko*, 25 N. J. Super. 292, 96 A. 2d 47, modified 14 N. J. 524, 103 A. 2d 256 (1954).

Court cases, however, are rare because the cost of resisting pressure is feared to be greater than the cost of yielding to it. Moreover, a court victory sometimes has very narrow consequences: its impact is only local, and, even within

the locality in which the litigation arose, a decision may be accorded only superficial respect.

Nevertheless, we believe that much might be gained from a succession of judicial utterances concerning the impropriety of using economic pressures to enforce literary judgments. To some extent such utterances would reflect the responsible sentiment of the community; to some extent they would help to shape that sentiment in one area after another. There is little hope, however, that recourse to the courts will be undertaken by local interests without outside help. The situation calls for resolute action by book publishers, looking toward the prosecution of many proceedings to challenge the open or covert censorial pressures of which they become aware. This may involve substantial expenditures for legal and other costs. In our estimation these costs will be small as against the cost of acquiescing in suppression of books. Suppression has a tendency to spread and to become habitual.

A purely defensive resistance to pressure, however, is not enough. Steps might be devised to counter the self-appointed community censors by legal proceedings. Whether existing anti-boycott laws clearly prohibit threats of economic reprisals by censorial groups is problematical. That issue deserves careful study, with a view to drafting a model law if fresh legislation be found necessary to curb existing abuses. One of the leading law schools or some similar agency of high repute for disinterested ability might appropriately undertake this task. In our estimation, any new law in this respect should stress civil remedies rather than criminal penalties. Enforcement of criminal law is entrusted to the very hands that, unfortunately, have too often ensured the success of pressure campaigns by

groups unwilling to use legal processes. Rather than be forced to rely solely on those who may be unwilling to act, the defenders of books should be enabled to seek their protection by civil proceedings they themselves can initiate.

## 6. Preparation of background materials

There is public need for a comprehensive analysis of the American concept of freedom to read. Recognition of this freedom has been given only grudgingly in some quarters, although it has a very respectable lineage, and finds strong support in the writings of eminent Americans as well as others. A bibliography of those writings would be useful. Even more useful would be a suitable series of volumes or, perhaps best of all, a single volume compilation that would reflect the theoretical background of the freedom to read, its social and intellectual foundations, the values that lead one to choose freedom rather than repression. The ready availability of readings of that sort would provide a stockpile of ammunition, as it were, for use by upholders of the principles almost all Americans profess but sometimes ignore.

## 7. Community organization to withstand censorial demands

We have spoken of the obligation of book publishers, distributors, and sellers to resist local censors. We might say with equal conviction that librarians must fight against the pressures to which they are subjected by groups or individuals who wish to usurp the librarians' responsibility for book selection. We should be unrealistic, however, if we were to expect the entire burden of fighting the com-

munity's battle to be borne by a solitary librarian here, or a somewhat vulnerable bookseller there. Obviously, the responsibility for developing counter-pressures against censorship must be discharged by many community elements working together.

The organization of a community is no easy matter. The handbook proposed in Part II, recording successful defenses against assault upon the integrity of libraries and schools, would be especially useful in this connection. Such a handbook could be distributed by interested national organizations to community groups, to aid and encourage them in working for the preservation of intellectual freedom.





# Summary Digest

## *Introduction*

This study is concerned primarily with the problems of censorship and with the reading of books. The problems of censorship, however, have their basis in broader problems of individual morality and social action, of freedom and security. They should be re-examined in the larger context of present-day problems of freedom.

In its original and strict sense, censorship is the prohibition and prevention of statement, expression, and communication. "Censorship" is also used in a large and popular sense, to include exercise of police power and agitation of private groups to ban the circulation of particular works or works of a particular kind, or to limit their accessibility, or to expunge portions of them.

Problems of censorship, in both senses, are problems of external control and limitation, of negative and prohibitive actions. They are properly treated by considering, on the one hand, the alleged need for such control and, on the other, the dangers thought to follow from imposing it. But these problems of censorship occur in the context of larger problems of internal development and values in individuals and in society, of positive actions to promote that development and secure those values. They are properly treated by examining the institutions of society and the conditions of freedom.

We are convinced that problems of freedom of thought and expression urgently demand attention today. We are

convinced that an inquiry concerning the freedom to read books would significantly advance understanding of the wider freedom of thought and expression upon which democratic institutions rest. Such an inquiry should focus on the censorship of books, but it would bear also on the censorship of other media of communication and on the underlying problems of freedom for which censorship seems to some a remedy and to others a cause.

Censorship presents an obvious threat to the freedom to read. But the freedom to read cannot be advanced only (and perhaps not even primarily) by combatting censorship. It can be advanced ultimately only by raising the level of reading tastes, and so changing the demands they generate, and by encouraging the work of creative artists and thinkers in contemporary society.

We recommend that a program to advance the freedom to read books be undertaken, consisting of three parts: I. a comprehensive statement of the grounds and implications of censorship, to provide grounds for the formation of public policy; II. empirical investigation to test the assumptions commonly made concerning the effects of books, to study the formation of reading taste, and to investigate the consequences of decisions to control or not to control; III. action to protect the freedom to read and to correct the abuses and misapplications of censorship.

## *I. Censorship and the Freedom to Read*

1. *Reasons employed in defense of censorship and freedom.* Arguments concerning censorship and freedom have shown a remarkable continuity from antiquity to the present, but in the course of history they have been profoundly altered in scope and incidence, in manner and effectiveness of application. Three arguments are used in the discussion

of censorship today: philosophic, political, and moral and legal.

*Philosophic:* Censorship and freedom are not concepts which stand in simple and unambiguous opposition to each other. Freedom is conceived by some to consist in the ability to do as one pleases; it is conceived by others to consist in the ability to do as one ought. Arguments both *for* and *against* censorship have been based on *both* conceptions of freedom. People may share the same conception of freedom and yet may differ concerning the advisability of censoring expression or impeding communication; and the discussion of censorship is complicated not only by differences concerning freedom but also by differences concerning the relation of freedom to morality.

*Political:* Contemporary problems of censorship arise under the influence of international political tensions and internal confusion and insecurity. Control of expression and thought is not part of the normal operation of political power in a democratic state. It makes its appearance either in governmental action, as a questionable or improper extension of political power, or in pressure and agitation for change of law or for extra-legal action. Censorship presents two distinct problems: it is undertaken in the interests of cultural values, but the ban falls on the best as well as the worst; and it has not been successful in achieving the ends it is alleged to serve. Restrictions of freedom and rights are advocated enthusiastically as remedies for real as well as fancied problems, without inquiry into their possible efficacy.

The ends of censorship are stated as limited objectives, but they have tended in operation to throw suspicion on reason, the arts, and freedom. The means of censorship are devices of power used in the interest of individual



morality and common security, but they have tended in operation to advance uniformity at the expense of discrimination and conformity at the expense of freedom.

*Moral and legal:* The pressures for censorship arise from the practical problems of periods of crisis and change, but arguments for censorship turn not on inquiry into those problems and into means of solving them, but on the inter-related dangers of immorality, treason, irreligion, and error. The definitions of all four have changed, but without felt need to investigate the consequences of censorship or to compare the consequences with the professed purposes.

Censorship has been practiced in the United States usually by post-publication prosecutions under laws proscribing certain communications as dangerous to public order, public morals, or the security of the state. It is not based on a doctrine or explicit philosophy, but it does put into application convictions, usually unexamined, concerning what is dangerous in an expression or communication and how the danger affects public order, morals, and security.

Our conclusions fall under three headings.

With respect to philosophic arguments, we are convinced that the problem of censorship does not arise out of opposed conceptions of freedom, but out of vague definitions, assumptions concerning social and behavioral influences, and interpretations of alleged facts. Two arguments — danger of immorality and danger to the state—are employed in recent efforts to extend censorship. “Immorality” may be extended to include effects on action, character, basic convictions, and treatment as member of a race or religion; and “danger to the state” may include subverting its common security, corrupting its common values, undermining its accepted doctrines, religious, social, or political, and

misrepresenting its common life. We are convinced that morality is not advanced by restricting communication, but, on the contrary, is crippled by restrictions however well-intentioned or forcefully administered. And as for our nation's security, we are satisfied that, whatever may be the short-run considerations, free institutions are more likely to be preserved by freedom of expression than by political control.

As to political and legal arguments, our constitutional protection against preventive censorship is soundly grounded: it is freedom from previous restraints placed on publication; it does not involve freedom from censure for criminal matter. We are not persuaded, however, that the suppression of books alleged to promote immorality, violence, or subversion of the government is justified by existing knowledge of the consequences of reading.

As to moral and social arguments, they are influenced only indirectly by philosophic or legal considerations. The means available include boycott; pressure on booksellers, librarians, and public agencies which purchase books; bans, legal actions, and threats of vice societies; the action of police, postal and customs officials; and, finally, self-censorship induced by caution or fear. These activities are dangerous because a small energetic group is able to impose the consequences of its judgments and prejudices on a community, frequently without the majority of the community becoming aware of what has happened.

We argue against censorship as a device to restrain the development of immorality, violence, and subversion, not because we do not recognize the existence of problems of immorality, crime, and insecurity, but because we are convinced that putting bans and limits on the circulation of books is not a means of moderating or eliminating those

problems. The censorship of books is a sensitive indication of forces operating to endanger the political institutions which embody and protect our basic freedoms and the cultural heritage that gives them meaning and weight.

2. *The incidence of censorship.* The incidence of censorship—the objects and persons on which its judgment falls—is double: it expresses a judgment and it assigns a penalty. The judgment may be of a particular person, of a particular kind of communication or communicator, or of the effects of the communication on emotions and actions. The penalty may fall on the individual, on an art or profession, or on a particular work. Consideration of the incidence of censorship uncovers three relevant distinctions in operation at present:

1. The incidence of judgment is not the content but the audience, and the pressure for censorship has increased particularly in the case of paper-bound books which have a mass audience and which are more easily available to the young.

2. Ideas are brought under censorship in so far as they are thought to stimulate certain emotions and actions: the exposition of ideas, which is to be tolerated and protected, is distinguished from the advocacy of objectionable ideas, the objectionable use of ideas in propaganda, and the deceptive exposure of the unprepared to unlabelled ideas.

3. The growth of governmental book-buying has caused censorship to fall once again upon the author, not however as subject to penalty but as object of judgment, and the actual contents of the book need not be scrutinized carefully if they can be judged from the “known” convictions and associations of the author.

With respect to the first argument based on effects, we wish to say that we are averse to pornography and sadism,

to filth and to trash. We are convinced that efforts to cut off access to such material stimulate curiosity and have no other clearly marked effects on interest in obscenity or immoral behavior.

Like those who urge censorship by using the second argument based on emotions and actions induced by reading, we too believe that not all books are worth reading. Our objection to the applications of the arguments of the censorial is that it reduces morality to an extremely narrow range of sex and criminal violence, and that the criteria it employs tend to extend far beyond that range to include much that is sound information or good literature. Moreover, they are unrealistic and ineffective even within that range.

The third argument, based on judgment of the author rather than his work, is more frequently used than stated. The better moral and legal judgment that a man is known by his works is reversed in the suppression of the work—without examination, or even with the acknowledgment that this particular work is unexceptionable—because of opinions or actions attributed to the man.

3. *The mechanisms of censorship.* The mechanisms of preventive censorship are relatively simple—the establishment of a governmental monopoly to produce or a governmental agency to license. The mechanisms of censorship in the broad sense are more complex—they not only provide a large place for private and even extra-legal initiative and action to limit or cut off distribution, but also multiply the agencies, the devices, the pressures, the points of application, and the motivations of censorship.

Mechanisms of censorship have been developed by each of the branches of the federal government as well as by state and local officials, many of which approximate closely



to preventive censorship, and these are supplemented and reinforced by mechanisms set in operation by private groups or even by individuals.

The mechanisms of *judicial* procedure operate in the interpretation and application of statutes. Since their operation includes the possibility of raising questions concerning the constitutionality of the statute, they have the effect of preserving the distinction between questions of prior restraint on publication and questions of posterior judgment for violation of law or for civil damages. Actions have been brought under four main heads: obscenity, crime and violence, sedition, and libel.

An increasing number of mechanisms in censorship have been set up in the *executive* branch of the government. These include restrictions in the use of the mails by Postal authorities, restrictions on importation by Customs officials, restrictions on exportation by the Commerce Department, and restrictions on the publication of classified information affecting national security.

In recent years Congressional committees have conducted investigations into agencies of communication, which have probably affected the publication and certainly the sale of books. Government exercises positive as well as negative functions which determine the availability of books. It is an enormous purchaser of books, through the public schools, the public libraries, the school libraries, post exchanges, and overseas libraries.

The mechanisms of private action and pressure are conditioned by the operation of these official mechanisms. In addition to covert use of public authority through general harassment, police pressures, and pressures on school boards and library boards, private groups have resorted to direct action by boycott and other forms of economic pressure.

The mechanisms of selection take the form sometimes of attacks in publications professing "Americanism," sometimes of lists of "objectionable" books, usually prepared by church-affiliated groups.

## II. *Some Needed Knowledge*

There is an evident scarcity of objective information about the several phases of restraints upon the freedom to read and only infrequent recognition, among those engaged in censorial activities, of the need for such information. It cannot be assumed, of course, that possession of further facts will solve the problem. Facts do not legislate matters of taste, nor do they dictate public policy governing the freedom to read. But pertinent knowledge can be taken into account in the formation of public policy.

Needed research divides into three broad classes: (1) studies of the effects of books upon the personality and behavior of readers; (2) studies in the social psychology and economics of reading; and (3) studies of the social patterns of attempted and actual restraints upon freedom to read, with particular reference to the social consequences of censorship.

1.1 *Codification of existing knowledge about the psychological effects of reading books.* We recommend the preparation of a comprehensive document which systematically brings together from the fields of psychology, social psychology and sociology the available knowledge about the psychological effects of the reading of books upon attitudes, values and behavior. Such a codification of objective findings would make clear and available what many suspect but have no convenient and authoritative source for authenticating: objective knowledge of the demonstrable

effects of reading certain classes of books is so severely limited that most claims of particular effects must be little more than unsupported opinion. A systematic compilation of this kind would serve to alert social scientists to further research needed in this field.

1.2 *Responses to censored books.* These studies would be designed to test the assumptions of censors about the characteristic responses of readers to the books the censors would have banned. They would, for example, test the hypothesis that readers who perceive pornography in these allegedly objectionable books also search out much the same meanings and implications in seemingly innocuous books.

2.1 *Formation of patterns of reading and of taste.* We recommend a study of the ways in which interests and tastes are formed, for it is these which, through self-selection, go far toward determining whether books are read at all, what kinds of books are read, and what is derived from the books which are read. This inquiry would have major significance in providing a sound basis for identifying the sources and consequences of various patterns of reading and of related patterns of exposure to the other mass media.

2.2 *The economics of freedom.* We recommend a comparative study of the economic structure of the communications media, especially book publishing and distribution, as it bears on their capacity freely to communicate a wide diversity of ideas. The study should consider the consequences for freedom of communication of governmental policies affecting the economics of the media.

3.1 *The social bases of support for censorship.* It would be useful, we believe, to conduct a study of censorship

groups, of those who want to guard their neighbors from reading what they, the censors, think it best not to read. What is the social composition of these groups? Who are most deeply engaged in these activities, what are their motivations, the nature of their organization, the bases of their support?

3.2 *Community efforts to withstand censorial demands.* We propose studies of a small number of communities in which attempts to censor books have been defeated as well as others in which censorship has been imposed. Which types of community are most vulnerable to censorship? What measures proved effective in counteracting censorship? Which groups in the community were activated and organized to maintain the freedom to read?

3.3 *Effect of pressures on librarians.* Little is known of the extent to which censorial pressures have affected the attitudes and behavior of librarians. Systematic and extensive study of this would identify the nature and extent of current censorship pressures upon librarians, and would find out how widely controversy is being avoided at the price of conformity to the anticipated demands of censorial groups.

3.4 *Effects of controversies upon authors and publishers of textbooks.* These would deal with the types of changes introduced into later editions of textbooks which have been attacked, as well as the treatment of content which has become controversial in later textbooks in the same field. Interviews with authors, editors and publishers would furnish a further basis for assessing the extent to which such self-regulation comes to operate.



### III. *Some Immediate Steps*

Preventive medicine may be the basic safeguard of a community's health, but those who fall sick still need therapy. Similarly, attacks upon the fundamental problems of censorship and inadequate utilization of books do not obviate the need for immediate action. The following are among the steps that could be taken now.

1. *The debatable validity of state and local censorship laws.* A memorandum of law suitable for incorporation in local counsel's briefs should be prepared in case censorial statutes or ordinances are sought to be applied. Thought should be given to the possibility of initiating declaratory judgment or injunction proceedings in one or several states, raising the issues of statutory validity without awaiting the commencement of prosecutions by the public authorities.

2. *The recasting of present statutes.* Related to this possibility is need for a thorough appraisal of existing statute law, to gauge whether judicious amendment can render the statutes at all serviceable in the public interest.

3. *The evaluation of federal censorship through postal and customs administration.* The Post Office Department has potentially vast powers to restrain circulation of printed matter. The work of the Post Office Department and the Customs in this field is now being intensively studied elsewhere.

4. *Appraisal of government's role as consumer or channel of books.* Probably half of all hard-cover books sold in the U. S. are sold to or pursuant to adoption by federal, state, or local governmental agencies. We find a need for intensive review of the standards that guide the selection and retention of textbooks; volumes for public, overseas,

school, hospital, and service libraries; and books to be re-sold through post exchanges or otherwise.

5. *Limiting extra-legal pressures upon book publishing and distribution.* We see no impropriety in any group's expressing an opinion concerning the merits or demerits of a book. In recent years, however, there has been an alarming spread of the use of pressures to enforce upon a whole community the observance of the literary or moral judgments of a particular group. We believe that much might be gained from a succession of judicial utterances concerning the impropriety of using economic pressures to enforce literary judgments. We also propose steps to counter the self-appointed community censors by legal proceedings. Whether existing anti-boycott laws clearly prohibit threats of economic reprisals by censorial groups is problematical. That issue deserves careful study, with a view to drafting a model law.

6. *Preparation of background materials.* There is public need for a comprehensive analysis of the American concept of freedom to read: a bibliography of writings, a series of volumes, or a compilation reflecting the theoretical background of the freedom to read.

7. *Community organization to withstand censorial demands.* The responsibility for developing counter pressures against censorship must be discharged by many community elements working together. Interested national organizations should encourage community groups to work for the preservation of intellectual freedom.



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